

WAYS AND MEANS

COMMITTEE

of the

SUFFOLK COUNTY LEGISLATURE

Minutes

A regular meeting of the Ways and Means Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on Thursday, March 9, 2006.

MEMBERS PRESENT:

Legislator Lou D'Amaro • Chairman • Excused Absence

Legislator Elie Mystal • Vice•Chairman

Legislator Steve Stern

Legislator Ricardo Montano

Legislator John Kennedy

Legislator Edward Romaine

ALSO IN ATTENDANCE:

George Nolan • Counsel to the Legislature

Gail Vizzini • Director, Budget Review Office

Rich Baker • Deputy Clerk of the Legislature

Ben Zwirn • County Executive's Office

Pat Zielenski • Real Estate Division

Jacqueline Caputi • County Attorney's Office

Marc Klein • Long Island Progressive Coalition

Marge Acosta • Long Island Progressive Coalition

Lisa Tyson • Long Island Progressive Coalition

Deanna Marshall • County Executive's Office

Dennis McGowan • Title Examiner

Peter Cheney • Title Examiner

Lawrence Silverman

Mike Gadin

Jim Wood

Mason Haas

Joe Chingas

Susan Tocci

John Ferrante

Susan Greenhalgh

All other interested parties

MINUTES TAKEN BY:

Donna Catalano • Court Stenographer

(* THE MEETING WAS CALLED TO ORDER AT 9:49 A.M. *)

VICE•CHAIRMAN MYSTAL:

Please rise for the Allegiance led by Legislator Stern.

SALUTATION

VICE•CHAIRMAN MYSTAL:

Thank you. Good morning, Ladies and Gentlemen. We are missing one member of the committee. Chairman Lou D'Amaro had a personal matter to attend to because of his family, so as Vice•Chair of the committee I will be conducting this meeting. We have a very full agenda, so I'm going to ask everyone to please make sure they talk for the allotted time, and I'm going to ask my colleagues to please try to refrain their comments to just questions instead of long statements if they have questions for the presenters. So the first person I will call to make a presentation is the Suffolk County Clerk Ms. Judy Pascale.

MS. PASCALE:

Good morning. Thank you for giving us an opportunity to come and explain to you what the County Clerk's Office has done over the last several weeks in terms of the issue that we had with the identity •• the potential for identity theft. I believe I sent a package to every Legislator, I believe I sent a packet to Counsel explaining what we have done, giving some background and also what some of the other County Clerks in the state are doing who face the same exact issue.

Just to go over it briefly, I've ordered, as of the day before, I guess, the story

broke, the suspension of online images. It exists, it's going to continue until we have an opportunity to do an inspection of all the imaged documents and institute what we're calling a redacting tool so that any Social Security numbers that appear on these documents that were online be redacted. By redacted, I mean it's almost like a blurring tool, so that if the Social Security numbers are on these documents, they will not be visible on the website. We are also •• I believe, we are trying to get the software to do that. That's been part of your Capital Program.

Our cover page, the online cover page now contains a statement on the top that this document will be imaged and should not contain Social Security numbers or any other personal information. In addition, our entire in•house inventory of the cover page now contains a red stamp that says the same thing, that this document will be imaged and should not contain personal information.

A notice was sent out by me to all the lending institutions, the major lending institutions, the law firms that do business with the County Clerk's Office, I believe that number was approximately 4500, explaining to them that the documents that they submit for recording had the potential to be imaged, and the onus is on them that they should not include any information, Social Security numbers, dates of birth.

Just to give you an example, we had a case two days ago where a document was •• a deed was presented for recording. It not only contained Social Security numbers, but it also included part of a divorce decree, which as you know, is not public information in New York State. In that divorce decree, it had the names, dates of births of the children as well as their Social Security numbers. Luckily, there was a reason why we could reject the document for another issue that it didn't meet the recording requirements. But had it met the recording requirements by law, we would have had to have accepted that

document for recording.

Additionally though, what we've also done in-house, is we have flagged our recorders, they know that documents that do contain Social Security numbers are now segregated to a degree so that when •• they would not have been imaged anyway, but what we are doing is we are separating them so that there is no chance that the Social Security numbers can appear online.

We have also sent articles to both the Nassau County Bar Association and the Suffolk County Bar Association explaining to the legal profession that we are an imaging County now and that they should refrain from putting Social Security numbers or any other personal information on the documents that they present for recording. The only confusion has been there is a form that the state uses •• I don't know if anybody knows that •• 584, that is not something that we would scan anyway. We do not record that, we just simply submit that to the state. I think •• I've gotten some letters from some of the legal profession asking if that's to be included, and that's not.

More importantly, I think it's necessary to tell everybody that we are working with the Assembly and the State, and I believe that they are going to submit what's called a unibill, which I guess has the corporation of both branches of government to change Real Property Law to give the County Clerks the authority to reject these documents that have personal information. We don't need it, we don't want it. And this •• you know, we don't know how long that's going to take. I know County Executive Levy's Office has been cooperative with us in making it part of his State Legislative agenda. And we're hoping that this will happen soon. But in the interim, I can assure you that the privacy of our citizens is of paramount importance to our office. And we are taking every measure that we can to make sure that something like this doesn't happen again.

I think it's important to note that as a result of this media coverage, our office received probably about 400 phone calls from residents asking if their Social Security numbers were on their documents. I encourage anyone that has a constituent that has that problem, I think I saw Legislator Nowick last night, I told her that any constituent that has that question should feel free to call our office.

I think it's also important to note that out of the almost 400 calls we received, not one of those documents contained a Social Security number. But to give them that comfort level, we stand ready, we have staff available that will check for them on the spot. Also, it's important to note that unlike some of the other counties, in Suffolk County, you cannot go online and search by name or address. You must know your unique 19 digit tax map number. I will tell you that out of the almost 400 calls, maybe two people knew their 19 digit tax map number. So that kind of requires a little search on our part, which we have done, and I think we have given them that comfort level. Questions?

VICE•CHAIRMAN MYSTAL:

Thank you very much. I just have a couple of questions for you, then I'll open it up to the other Legislators. The money for the software, you have •• you have that money to buy the software, to do the redact •• to block the numbers?

MS. PASCALE:

I'm going to let our Director of Optical Imaging, Pete Schlusser answer that.

MR. SCHLUSSLER:

Two hundred and twenty•five thousand dollars is requested out of Capital Project 1751.

VICE•CHAIRMAN MYSTAL:

Have you appropriated the money or your just requesting the money at this point?

MR. SCHLUSSLER:

I believe there's going to be some legislation delivered today, if I'm not mistaken. Perhaps a CN if I'm not mistaken.

VICE•CHAIRMAN MYSTAL:

And once you get that money for the software, how long do you think it will take you to get it up and running and do what you have to do?

MR. SCHLUSSLER:

Approximately 60 days to develop the software and approximately 160 days to complete the project in its entirety. That would include all 25 million images that are currently in the system.

VICE•CHAIRMAN MYSTAL:

So basically you are saying to us that this is not going to be up and running before early September or October.

MR. SCHLUSSLER:

No, I'm not saying that at all. Actually, it would be some time during the summer months. But additionally, please keep in mind that we don't have any images available on the web as we speak.

VICE•CHAIRMAN MYSTAL:

In other words, the program is shut down, so the people you're trying to reach inside the program •• the program to, cannot access it right now.

MR. SCHLUSSLER:

They can access the index type information and the data itself.

VICE•CHAIRMAN MYSTAL:

The data itself, okay. Thank you. Anybody else? Thank you. You are getting off scot•free. Bye.

MS. PASCALE:

Thank you.

VICE•CHAIR MYSTAL:

This is great. Thank you very much, Ms. Pascale. Our next presenter, which is very, very, important very to us as elected officials, the people from Sequoia Voting Machines. Mr. Larry Tonelli and anyone else you want to bring with you is going to make a presentation on the voting machines to us to see what they look like, okay? You have the floor.

MR. TONELLI:

Thank you. Can you hear me okay? I was demonstrating for the last four days, and I woke up this morning and my voice was gone. My name is Larry Tonelli, I'm the State Manager for Sequoia Voting Systems.

What I'm going to do this morning is just talk a little bit here at the microphone and then I'm going to go over and show you the DRE and the Optical Scanner.

Our company •• I think you need to know this, the company Sequoia did build the old machines that everyone likes and has been using for 30 to 40 years. All our products, whether it's DRE or Optical Scan is made and manufactured and assembled in New York State. In fact, one of our closest plants that is actually building the touch screen that I'm going to show you this morning is _JAYCO_ Manufacturing, which is probably about two miles from here. And they've got •• we just gave them a major order throughout the country for the DRE product.

The Optical Scan product that I'm going to show you, we assemble over in our Oswego Plant, which is near Binghamton, New York. So we've been in New York an awful long time. Our sales and support come out of Jamestown. So we have three facilities in the state. And we are going to offer •• what I think you're going to like today is there's an awful lot of confusion of what to buy and how it's going to work. With our company, whether a county wants Optical Scan or whether they want a DRE or whether they want a combination, we'll have that available. So I'm not going to say which one is better, I'm not going to tell you which one has the worst benefits or which one has the best. I'll try to be very neutral and point out the advantages and disadvantages of both systems. And you have to decide which is the best needs for your particular county.

I can say that just recently as an example almost the whole State of New Jersey, there are 7000 of our full•faced DREs in the State of New Jersey. In New York State, Saratoga County has had the DRE for eight years and so has Franklin County. Cook County, now, on the other side, which is Chicago, Illinois, Cook County just purchased our Optical Scan System with a DRE. They decided to give the voter a choice. When you check in at the desk, they can either vote on a DRE or they can vote using an Optical Scan. A couple of days ago, Pittsburgh, Pennsylvania, which is Allegheny County, they just ordered 2800 of our full•faced ballots. So the reason I'm bringing it up is to show that there isn't any right or wrong answer. They're both secure.

And I think I should point this out while I'm at the microphone. Both products do not have to be stored in a computer environment. That's been a fallacy that's been going around. Any normal room condition is fine. Both systems have to be coded. I don't care if it's a paper ballot or if it's a DRE. Both systems have a cartridge or a memory stick that have to be coded by the County Commissioners for each election. So to say that one system is more secure than the other is a fallacy. As far as the programming goes, you

still have a program that's basically the same thing, you still have to check it. It's just like your DRE •• your lever machines now. If your custodians put strips in wrong and put cooper plugs under each lever and no one checks it, then you're not going to have a good election. And it's the same thing with Optical Scan or DRE. If you do the coding and you're not going to check the coding, then you're probably going to have a bad election.

Other than that, one of the biggest advantages you're going to see on our Optical scan, and that's why I brought it, and that's the reason Chicago went with us, is everyone talking about the cost of ballots. In New York State, if you look at one of the ballots I gave you, this is going to be a ballot that we're going to turn into New York State. It's similar to the one you have except it's a little longer, and it's going to have the propositions on the back and all the offices on the front. A ballot like this is going to cost 75 cents to a dollar. Anybody that tells you differently, the reason it is going to cost that much, in New York State it has to be full•faced, that makes the ballot bigger on your big elections.

The other thing New York State is going to require, and you can call the State Board, it's going to require a stub on the top of this ballot. So the ballots are going to be printed in tabs and they have to be torn off at the desk. That's going to add money to the ballot. They also have to be shrink•wrapped before they are shipped, because as you know, paper expands in any type of humidity. The other thing is when you have ballot styles, every one of your districts are probably going to vote something different. The ballot is not going to be the same in every district. That is a short run, and that will also increase the cost. So on a large ballot, if you check with printers and you talk to them about all the specs that are required for New York State, not Ohio or Michigan or anything else, you will find that for a large ballot it's going to be anywhere from 75 cents to a dollar.

Now, the reason Chicago went with us is because of that fact. We are the only company that has taken the Optical Scan and given you •• if you look at your packet, I've got a one•column ballot and a two•column ballot. I'm not sure I gave you that. But here's where your costs go down if you're using Optical Scan. In New York State, if we have a municipal election, a town election, a school election where you don't have that many candidates or you don't have that many offices, I now can give you a one or two•column ballot. Now, this is going to cost less. This is what they are probably referring to around the country when they talk about a 35 or 40 cent ballot, somewhere in there.

Just so you know, one of the reasons they go with us in Optical Scan is we can give them three size ballots, and it will reduce the cost. On the DREs, I passed out one of these, this is the receipt. This is one of the most important features in the DRE. New York State is one of the •• I think 26 states are going to require this, but New York State was one of first. Every time you vote on a DRE now, you the voter are going to get to see how you voted in a window, and you can come up later and look, it's going to show you how you voted and you can compare it to the DREs so you know that the DRE is marking inside the machine what you see in paper, and then it's going to record it on paper first and drop this into a secure ballot box before it records into the DRE.

Where on an Optical Scan, of course, you are marking the ballot, so you have the ballot, but if there's any errors or mistakes on the Optical Scan and it goes through the machine for any reason, you won't know there's a mistake unless you do a recount. Now, if you do a recount, one of the big differences will be on an Optical Scan you're going to go through each ballot and you're going to determine or a judge will determine whether it was a valid vote for not, whether they marked it correctly. Where the DRE advocates are going to say, well, if I have the printed receipt, it's only telling me who I voted for and who I didn't vote for, so there really isn't any question. I don't have to determine whether they marked the ballot correctly, because it is marked

correctly. Some those are just some of the things, some of the items that both the different groups have brought up. I just wanted to see if I could make that a little clearer for you. So there is pluses, there is minuses in both systems.

Optical Scan will be more expensive, because you have paper ballots. If you have to change you're •• change your election •• maybe two weeks before the election candidates change, you'll have to reprint everything. The State Law requires you to print 110% of your registered voters, whether they show up or not on ballots.

The disadvantage now with DREs, if you look at the two machines, I've get a machine the size of your lever machine, weighs 265 pounds, I'm going to have to store those, and I'm going to have to put them on trucks, and I'm going to have to take them out to the polling places. So you're going to have storage and freight costs on the DREs, probably a lot more than the Optical Scan, because the Optical Scan System weighs probably 50 pounds. And you may have a second system with it, either a DRE or a ballot marking device that weighs another 50 pounds.

So the storage and freight is definitely going to be less on an Optical Scan Machine, because they weigh less, one person can handle it, you can put them in vans. A DRE, you are probably going to have an air ride cushioned moving van taking them out to the polls. So there's the •• you can weigh that against the cost of the ballots. Maybe that will •• maybe that will break even, may be it won't. It's up to each individual county.

P.O. LINDSAY:

Mr. Chair.

MR. TONELLI:

Any questions so far on what we have talked about?

VICE•CHAIRMAN MYSTAL:

Presiding Officer.

P.O. LINDSAY:

Hello. How are you. Thank you for coming in today. Forgive my ignorance to this whole subject, but I just want to go back to basics. The DRE is the machine over there?

MR. TONELLI:

Yes.

P.O. LINDSAY:

That's not the machine you are promoting. Do you guys make that too?

MR. TONELLI:

I'm promoting both machines. The DRE that you're looking at right now is made two miles from here in (JAYCO) Manufacturing.

P.O. LINDSAY:

Okay. And where is the Optical Scan made?

MR. TONELLI:

The Optical Scan is made in Oswego, New York. Harvard Custom Manufacturing assembles those for us in New York. So both products are •• both products are New York made, but this one happens to be made a couple miles from here.

P.O. LINDSAY:

This is the full•faced ballot that you showed us, and you gave us a sample of the paper receipt, for lack of a better word. After you vote on this, what do you do with that paper receipt?

MR. TONELLI:

You don't get to keep the paper receipt. The paper receipt is going to be shown to you in the window •• if you come up to the machine, you'll see it •• it will print out under a piece of glass, you'll get to look at, you'll get to verify it from what it shows on the screen, then when you cast your ballot, the machine will cut this and drop this randomly into a ballot box. And that will be secured, no one will access to it, only if there's a recount.

Now, one of the things Sequoia has done, and other vendors I'm sure will do it once they figure it out, is some of the other vendors use a roll of paper to do the receipt. And in New York, most of your districts are polling places. So, therefore, you have one machine in most of your districts, and that machine if you go back to your books, it's all •• when I come in and check in at your front desk, I'm labeling your book; one, two, three four as the voters come in. So if I'm using a roll of paper as a receipt I could be •• if I'm the fifth voter in the book, I could be the fifth voter on that roll.

So what we did is these are all strips and cut sheets. So when you vote on this, when you say the vote counts, I'm going to drop this randomly. It would be like taking this and throwing in a waste basket in a sense. It's falling randomly so no one will know how you voted. These are tied back to the machine, tied back to the polling place and the district in the election, because if there's ever a recount, you have to •• but not to the voter. Does that answer your question?

P.O. LINDSAY:

I think so. All right. And the cost, of course, is the Optical Scanner is much cheaper, right?

MR. TONELLI:

Well, that, again, is a fallacy. It depends how you look at it. Here's an example. The DRE is \$8000. The Optical Scan, as you see it here, is around 6000. However, you don't just purchase one Optical Scan unit, you need to have a handicapped accessible unit with the Optical scan, which is about 5000. Now, how you divide that up is what you believe and what is true and

what is theory. An example is with an Optical Scan, there are a lot of jurisdictions around the country that buy an Optical Scan for maybe five, six, seven, eight districts.

You can code the machine that I can take multiple districts. So maybe I'll have two or three Optical Scan in a polling place, and I'll have a daisy•chain line going to that, and then I'll have a second machine, the ballot marker, in a polling place. However, you can do that, but then what that means is somebody at the end of that night has got to sort those districts that are going to be mixed up in the ballot box and pull the write•ins off and keep track of those district and reconcile those ballots.

I mean, this is New York State. We run elections very tight. So if I have a thousand ballots in a district, I've got to make sure at the end of the night I reconcile and I come up with a thousand ballots. Maybe you had 600 voters vote today or of the 600 ballots that were voted on, maybe I had a hundred spoiled ballots, there's a hundred spoiled ballots, and maybe there's 300 sitting on the desk I haven't used. You've got to make sure those add up and make sure no one walked off with the ballots.

P.O. LINDSAY:

So what you are suggesting is that we would need an Optical Scanner for every voting machine we currently have?

MR. TONELLI:

Well, I think •• to be perfectly frank, I think in New York State, what the County should do is do a little mock election and you determine it. If you

mind that the •• that the poll workers have to do a lot more work, then I would put multiple districts on an Optical Scan. If that's not the case and you feel that it's not going to be consuming of the poll workers, then you could put •• I would put multiple districts on my Optical Scan.

Now, to turn it around. On the DREs, this particular DRE, I can put •• your choice again •• I can sub •• let's say you have 1500 lever machines as an example, I can put these out one for one. However, because it's a DRE, I can also put the whole County on every single machine, because it's a computer. So I now can have all your districts on every machine, so I can almost do the same thing with this as I can with an Optical Scan, put so many in a district. If you get busy, because each district has a code, like 35 or 45 or whatever, I can pull up that particular district on the machine if I needed it if the lines were long or if one of the machines went down. I can use any machine in your polling place as a backup.

The older versions couldn't do that. The older versions of the DREs had to have one for one, where you had to have one machine per lever machine. The newer ones, because I have more capacity, I can put the whole County on every machine if I need to. So again, I think •• I think it's really a subjective thing. The counties have to decide what kind of labor you want to put up with, if you will, whether you want multiple districts on Optical Scan or whether you want to do the same thing with the DRE. Chicago, Cook County, Illinois, does both, Washington, DC, does both. The whole state of Nevada is doing both now, Optical Scan and DRE. New Jersey has decided to just stick with a full•faced DRE. And then some of your states, I think Michigan, Illinois, since they had punch•card before. They have decided to stay with a full Optical Scan system.

P.O. LINDSAY:

How would both systems work simultaneously? Is it up to each county, is that it?

MR. TONELLI:

That's exactly right. Each county in New York State, the Election Commissioners, Democrat and Republican, are going to choose which system the county is going to use. If there's a tie, if one •• if the Democrat, for example, want Optical Scan, the Republican wants DRE, it's supposedly now going to go up to the State Board of Elections for them to decide. Now, if there •• if you get to the State Board of Elections, they have two Democrats and two Republicans, so if they happen to split, I really don't know what happens after that.

P.O. LINDSAY:

I'm not interested in that. I just thought you were indicating that you could mix the machine. You can't mix them in the same county.

MR. TONELLI:

Yes, you can.

P.O. LINDSAY:

Why would you do that?

MR. TONELLI:

Well, because •• an example, let's take Cook County in Illinois, because they're big and you are big. When the voter comes and checks in, not everybody wants Optical Scan and not everybody wants DRE. There are certain groups that are frightened of both systems. So they say which •• do you want to vote on Optical Scan or do you want to vote on DRE, and they'll hand them a ballot or send them to a DRE.

Here's the thing to remember. If you are going to go Optical Scan, you're going to have to have two pieces of equipment anyways. You've got to have a ballot marker of some method and a handicapped accessible machine, and you've got to have the Optical Scan tabulars, so you're going to have to have two. So you could have a DRE that's handicapped accessible with an Optical Scan Machine, or you can have an Optical Scan Machine with a ballot marker that's handicapped accessible and you'd be all Optical Scan, or you could have a DRE System, which is the system over here that is handicapped accessible. Some systems are more handicapped accessible than others also.

This isn't an easy decision. I'm not here to •• I wish I could come here and say, this is the best product in the world, this is what you should but, but from 20 years in the business, it really is a county decision on how they run elections and what their budgets are, what their costs and how they feel their voters can handle the different systems. It really is.

P.O. LINDSAY:

I'm sorry, Mr. Chairman, just one more question. The machine you have there, the DRE, is that handicapped accessible?

MR. TONELLI:

Yes, it is.

P.O. LINDSAY:

In what way?

MR. TONELLI:

Well, the machine here, if you are in a wheelchair and can use your hands and you can see, the machine will tilt forward so you can come in with your wheelchair and vote. If you are blind, visually impaired, it has an audio control box •• and I can show you this •• and audio control box that will have Braille on it that read next and back to go from office to office, it will have a select button to vote of your choice, it will also have a headset capability that you could put a headset on to listen to the ballot, it also has the ability to hook up a sip•and•puff for someone that's incapacitated.

The only thing we don't have on here yet and will be on by the time New York uses these, if we ever do, maybe in '07, is we're going to add a device that's similar to joystick where if someone •• there are people that can see, but they can't use their hands and they're in a wheelchair, and they will have a joystick more than likely on their wheelchair to maneuver. And we're going to have a device that they can put on their lap, it will Velcro to the arm of the chair, wherever they can put it. And they'll be able to go through the ballot. It will go from office to office using the control box that they have on their lap, and when they pick the office, they'll hit the button and it will put a checkmark for that particular office.

P.O. LINDSAY:

So you have one of these in a polling place?

MR. TONELLI:

Yes.

P.O. LINDSAY:

People have many different handicaps, how •• you know, like, someone comes in and is in a wheelchair, will a poll worker go in and adjust the machine for the wheelchair?

MR. TONELLI:

Yes.

P.O. LINDSAY:

Okay. Then the next person comes in with a handicap, is blind, will someone go to the machine and adjust it with the earphones? Is that how it will work?

MR. TONELLI:

Yes. On a poll worker panel, they'll pick either ballot or audio, and that will

turn the audio on.

P.O. LINDSAY:

And on the Optical Scanner, how does that work?

MR. TONELLI:

On an Optical Scanner, that's a good question. On an Optical Scanner, you're going to have •• you're going to have a couple of options. First of all, if you don't have any handicap at all, then I'm going to hand you this ballot. And again, it's not going to increase in size, the print is not going to increase, you will mark the ballot. If you are blind, you're going to go to a ballot marking device and you're going to sit down and then the poll worker is going to have to turn that on and adjust to what you mentioned before, whether you're blind or whether you can't use your arms, or whatever the handicap is and let you use that device to mark your ballot. Then when the ballot is marked on a ballot and then someone will have to take a person if they're blind, they'll have to get them over to that machine to read their ballot.

P.O. LINDSAY:

How does •• you know, how does this change, though? I mean HAVA was supposed to create a system where nobody would go in a booth with somebody or whatever. Now you have a paper ballot that a poll worker •• or I guess, two poll workers are going to have to go with that person to the scanner.

MR. TONELLI:

I agree. I don't know what else to tell you. I agree with you 100%. The closest system I've seen to be fully HAVA and New York State compliant •• the problem is New York State has also got three or four rules that they've added, that's one of things that slowing the process. They went over and above what HAVA actually requires. And the DRE, you're not going in the booth, by the way. You're not going to go in the machine. There's a control panel on the outside of the machine. I'm just going to hand you the control box and I'm going to turn the machine on. I'm not going to go in there with you. Same thing with the ballot marker. There's probably a little bit of a security screen, I'm going to start the machine, but I'm not going to see you vote.

P.O. LINDSAY:

Thank you, Mr. Chairman.

VICE•CHAIRMAN MYSTAL:

Anyone else? Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. I believe I understand what you've, you know, discussed as far as the differences. My question with this is who will actually feed the Optical Scanner with this, will it be our Board of Elections personnel or the voter?

MR. TONELLI:

The voter. What will happen with the Optical Scan is you'll have • you'll have a security sleeve that this will be in. So the procedure will be I will come in check in, sign in at the book, I will hand you a ballot and •• think of it as manilla folder, similar to, say, this, I'll put the ballot in the manilla folder so no one can see it, I'll go to a privacy booth, take it out of the manilla folder and I will mark my ballot, put it back in the manilla folder, walk over •• the voter now •• will walk over to the machine, take it out of the manilla folder and put it in the machine. It will go anyway. Either of the four orientations, the ballot can go in the machine.

Now, if the ballot is marked correctly, the machine just increments by one •• so if I'm at number 50, it goes to 51, counts the ballot. If the voter did a write•in it goes into the front bin. If the voter did not do a write•in, it goes into the back bin. If they over•voted, now the machine will not count the ballot. It will take it in, read it, decide that it's over•voted, send it back out and make a little noise and print a tape in the back that will tell the voter they over•voted. At that point, a poll worker now has to come over or should come over, tell the voter they've over•voted, that they made a mistake, and they will allow the voter now to get a new ballot if they wish. This will become a spoiled ballot, be torn in half or stamped and put into a separate envelope for count, so I can reconcile at the end of the night, and then I will give the ballot, a fresh ballot, to the voter, they'll go back and put number two after their name to say that I've given them a second ballot, then they will go and revote and come back to the machine.

LEG. KENNEDY:

Two questions with that then. One is it's incumbent on the voter then to remain at that scanner to hear whatever the chirp is to go ahead and determine that, in fact, the machine is read properly?

MR. TONELLI:

Yes. Absolutely. It happens very quickly, so, I mean, if the voter puts in, the machine isn't going to sit there for five minutes, it's going instantaneously read and send it back if they made a mistake.

LEG. KENNEDY:

Secondly, if you've got an overvote, misvote or whatever you want to call it and the machine spits it back out, what happens as far as the 20 or 30 or 40 folks that are in the cue behind this voter waiting to feed? Is that machine then locked until you resolve this misvote?

MR. TONELLI:

No. What they would do is the poll worker would take •• let's say did it, they would take to the side, and the next voter could go ahead and vote. The machine is not determining what ballot or whose ballot, it's ready for the next ballot immediately. I would take you to the side and explain to you that you've overvoted and where you overvoted, and in New York State, they're also going to do this for undervotes. They're going to warn you that you have undervoted. But again, if you undervote, it's okay. If you want to vote, you can just fill in the undervote because you didn't erase anything.

LEG. KENNEDY:

Or if you elected to cast for just one seat on a 20 seat ballot, then does the voter have to go ahead and engage the machine and say, that's my intention, to only vote for one office?

MR. TONELLI:

That's right.

LEG. KENNEDY:

So it's another step that the voter has to do interactive with the machine.

MR. TONELLI:

That's right.

LEG. KENNEDY:

All right. Two other general questions than. As between the two types of technology, the software what operates each one, who writes the software?

MR. TONELLI:

The software that writes •• the company does. Sequoia writes the application software for each particular state that we're in, because each state has different laws on how the machines should operate. As an example, New York State is only one of the few states that has cross party endorsement. Pennsylvania is one of the few states left that have straight party. So we do that •• every vendor has to be federally certified at an independent testing agency by the EAC of FEC, then they have to come to the state and be state specific on their software where the state checks them out.

Our software then is given to the state, especially in New York, where they will check it out and make sure it's the same version that was certified, then they put it in escrow. Now, in New York, which is unique to any other state I've ever worked in, no matter whether it's Optical Scan or DRE, if I ship it to you, the state has to send a representative from the State Board of Elections, they have to check every single machine themselves to determine that the software I gave the state, and the check the machine, is the same software that's in the machine you get, which is a good thing. It's a tedious thing, but it's a very good security.

I'm not allowed •• we're not allowed to any •• there are no fixes •• this isn't like Windows where every time the computer manufacturer has a fix, they sent it out. We don't do that. Once the software is done and certified and in the machine, it's there permanently. It's nonaccessible. As an example, we have our operating software in one partition, our application software in another. They don't communicate to each other. We have five pages of security where it's detectable, preventable. So it's virtually impossible once the machine gets into a County for anyone to hack into it. The only thing that can happen is what I mentioned earlier, if I do the coding and you don't check the coding, you could have a problem. But that's with any system.

LEG. KENNEDY:

You write the software and you service the software as well? In other words, if that machine is deployed, and for whatever reason there's some kind of a glitch or a gremlin in there, and the Chair knows far better about software than I do, but I've lived it and experienced it, who fixes it?

MR. TONELLI:

We don't use the word fix, we use the repair word.

LEG. KENNEDY:

Who resolves the inoperation, if you will, of that piece of equipment in a polling place?

MR. TONELLI:

Actually, that's great question. What Sequoia has done •• I can't speak to the industry, okay, because i don't know what the other companies do. What we have done in the past is not only the hardware or the software, we train the county people, the County Commissioners, to do the coding and the custodians, your present custodians, to repair the systems. If there's a problem, since they're trained, we just ship •• normally we just them parts. Very seldom do counties have a maintenance contract with our company. We do have a software maintenance agreement where we charge them a percentage of what they paid for the software. That allows telephone support, that allows any problems, or if they don't know how to operate it or if anything does happen to it, then we will help them over the phone if we can. If we can't help them over the phone, then we'll send someone out to help them.

On Election night, normally what our company does on election night, if you're using our system for the first time, we will try to send out as many people as we possibly can, depending on the county and the contract we have to support the election where we'll have our own custodians out for the hardware and our software people out to help them with the reading of the ballots or the information at the end of the night, etcetera.

LEG. KENNEDY:

Last question. As between the two technologies, what's the useful life of each?

MR. TONELLI:

Well, right now, the Optical Scan has the greatest history, but it's probably on it's •• I'm guessing, maybe it's eighth model. If you go Optical Scan, it started at Op Tec one, Two, Three, Four Op Tec Eagle, Op Tec Insight. So it's probably been around 20 years, the Optical Scan Technology.

Now, DREs, our first generation DREs have probably been out 15 years. A good example is Bergen County, New Jersey, has 1200 DREs, they've had them for 12 and a half years now. So the one we're doing now with touch screen, we don't know how long it will be out there, because we have our touch screens that are coming from a different system that we use, we think maybe 10, 15 years.

LEG. KENNEDY:

And that's based on what you know out there? But in other words, that piece of hardware there, at this point, you're estimating, you do not have an actual as far as what the useful life on it is?

MR. TONELLI:

No, because no one has had it for 15 years.

LEG. KENNEDY:

Well, you just said Bergen has, I guess, had that piece of equipment for 12 years?

MR. TONELLI:

Part of that system for 12 years. However, if you go back •• I mean, if you really ask •• like I said, the technology for Optical Scan has been out, well, computer technology has been out since the 1900s. So if you look at it that way, you have gone through many versions of computers all the way up from DOS to Windows XP or whatever. So both technologies have been out there. If your question is technology, both technologies have been out there. If your actual question is the product, both products are going to be new for New York State. Think about it. Optical Scan even though the technology is out there, we are now producing a full•faced ballot oriented for New York State. That required every vendor to go back and get recertified as if it was a new product to the FEC. Same with the DRE.

LEG. KENNEDY:

I understand. My question was geared towards, I guess, trying to do the cost benefit analysis, but technology is like ether, it's out there, as you said, and it's been out there ••

MR. TONELLI:

Let me just say this. There's no way that anything you are going to purchase today is going to last as long as your lever machines. I wish I could say •• you know, I know don't of anything that's going to last for 30, 40 years any more. If you do, let me know, and I'll take a look at buying it.

LEG. KENNEDY:

Thank you.

VICE • CHAIRMAN MYSTAL:

Legislator Montano.

LEG. MONTANO:

I just wanted to go back to the •• what you were saying with the DREs where you can •• if I heard this correctly •• program the machine for multiple elections or multiple districts. How involved is that, because what I heard you say was that we may have to have the employee at the Board of Elections work harder? I'm not concerned about that. I'm concerned about the error possibility in terms of programming? Can you just comment on that.

MR. TONELLI:

Well, actually, it's easier to put the whole county on every machine, because all I'm really doing is programming your districts and your elections into our software program and then loading it in. In this case, we are using a USB stick. I'm going to load everything into the USB stick and put it in the back of the machine and upload it.

If I'm doing one district in each machine, then I have to only •• I'm still going to program the whole election, but then I have to separately take that one district and load it into the USB stick and load it into the machine. So it's probably easier for a programmer to load everything in, because you're only •• you're only doing one step and duplicating as many districts as you have and putting it into each machine. Each machine •• again, the same with the Optical Scan, is going to be by the serial number of the machine and encrypted. So it's only going to be able to go in that one machine. So each machine is going to have a memory stick specifically for that particular machine.

LEG. MONTANO:

So then if I understand this correctly, when the machine is dropped off in the morning, it's programmed for that particular election even though it has multiple elections in the memory or in the data bank?

MR. TONELLI:

If that's what you choose to do. If you choose to just put the districts that are in that polling place on that machine, then that's what will be on that machine when it goes out there only.

LEG. MONTANO:

But this isn't changed during the day, is it? It's only programmed once and then it's set?

MR. TONELLI:

Yes. Same with Optical Scan. Now on all fairness, if you are going to put eight or nine districts on the Optical Scan, you're going to program those eight districts into the cartridge and that's set for the whole day. Now, if you're only going to put one district on Optical Scan, then that's also just programmed into the cartridge, and that's not changed during the day.

LEG. MONTANO:

All right. Thank you.

VICE-CHAIRMAN MYSTAL:

Okay. Thank you. Legislator Stern.

LEG. STERN:

Thank you, Mr. Chair. Fascinating issue and a great discussion. Thank you for being here. A couple of questions. First of all, you had earlier remarked about the cost of the machines. Do those costs of the hardware of the machines that we're looking at today, does that include the software that needs to go along with it? And if not, what would some of those associated costs be?

MR. TONELLI:

No. The cost of the equipment includes the firmware, which is a type of software that actually runs the equipment. But the software is a separate entity. The software is, again, for both systems, is the software that is used

to set the machine up, to code it to assign the ballot positions and then also to read the cartridges at the end of the night and print out all the reports, sent it to a web page or whatever you're going to do with it or send it to your main data processing computer so you can do a web page. That is the •• the price we charge is depending on the number of registered voters in each county. So each county pay differently for our software. Rightfully so, I wouldn't charge Orange County that has 20,000 registered voters the same price as Suffolk County. Right now, I guess I can't really give you a firm price on this county, because we're dealing with the state and that will come out with bid. But it would probably be somewhere around \$300,000, somewhere in there. Just a ballpark. And that would be for either system, because both systems are going to require the same type of coding, the same operation. You just label it different in your computer system when you go to find the application.

LEG. STERN:

You're saying then that as far as the software •• the program is concerned that there's no substantial difference between the two systems?

MR. TONELLI:

No.

LEG. STERN:

I'm looking at this, and I guess all of my colleagues have one. I don't know if it was filled out the some way in each line the way mine was. Some have thinner lines, some have thicker lines, some have a couple of squiggles, some of the races are spread out a little more, some of them are a little tighter depending on the number of candidates. Is there standard spacing that's

required given the amount of candidates, given a particular office? How do you determine how it's spaced? And I can certainly see someone who's elderly taking a look at this kind of a ballot and where there are a lot more candidates, I mean, lines start to blur.

MR. TONELLI:

Well, you don't have the official New York State ballot. I didn't have enough to pass around, because I didn't really know I was bringing it. This is the New York State ballot that we're going to get certified where the questions will be on the back and everything else will be on the front. It's a little longer than the one you have. This will be the spacing. It's evenly spaced.

Now, you do have options, by the way. The one you have, I connect the arrow. I have other samples. I could put a circle between the head and the tail of the arrow, I could put a square in there. It all depends on how you want your printer to print it. This happens to be a sample ballot that's used in Cook County. Maybe we can pass that around.

Now, the good thing about this is Sequoia is using what they call visible light. We use a technology on Optical Scan called visible light. Now, what that means •• if we were training voters, I wouldn't tell the voter this because I want the voter to be as exact as possible. If I were training everybody here as a voter, I would say you would have to connect the head of the arrow to the tail of the arrow with a straight line. I don't care line if it's a thick line or whatever kind of line, as long as it's a line. Or if you look at the ballots I'm passing around with the circle in it or a square, you've got to fill in the circle or fill in the square. However, the machine is much more adaptable than that. Any type of line, anything that's between the head and the arrow is going to read, and I don't care what kind of pen it is, 99% of any pen that's out there or pencil will read on this machine. But again, I'm not

going to tell a voter, go ahead and put anything you want in there, because that's what they'll do, you want to tell them you want to tell them to complete the head and the tail of the arrow with a straight line or you want to fill in the circle or the square. However, if they do a half a circle, if they put a half a line or anything in between there as long as it's between that and the arrow, it's going to read it.

LEG. STERN:

Now, here at the top of the demonstration ballots says that it could be marked with a number two pencil or a marking pen provided. Are these supplies that are provided and a voter can use either or if they bring their own?

MR. TONELLI:

Yeah. Your Board of Elections is going to provide the pen or pencil. Quite frankly, the reason we went to visible light is because that doesn't happen. Just because the Board of Elections put pencils put there •• first of all, the people either take them home, which most happens, or they bring the point or they bring their own pens out. And there are so many different variations of pens out there today. You can go to •• you go to our Staples, and you'll see 50,000 pens. So we decided to change our technology so it can read almost everything.

LEG. STERN:

But if someone's bringing a pen or somebody's going to use a pen provided by the Board of Elections, erasing obviously isn't an opportunity, so there's going to have to toss the ballot ••

MR. TONELLI:

Well, you can't erase on Optical Scanners any ways. There is no erasers on Optical Scan. If you make an error, you need to get a new ballot if you want your vote to count, because the machine a going to read the eraser. You cannot erase on Optical Scan. Even if it's pencil, you do not erase.

LEG. STERN:

You had taken us through what the process might be for somebody who is disabled going through to use the machine. Take me through the process, if somebody is blind, vision impaired, and they're using the DRE machine, normally it would print out a receipt and you would take a look at it, how is that done for somebody who is visually impaired?

MR. TONELLI:

If you're visually impaired, what the DRE will do •• first if all it verbally •• you have a head set on, it's going to verbally walk you through the ballot, it's going to explain to you the controls and how the controls work, then it's going to start reading the offices and candidates. So for example, it will say, Governor, New York, Candidates, George Pataki, Carl McCall, back when, you hit •• they'll hit the button, let's say they pick Carl McCall. It will say Carl McCall selected. Next office, Attorney General and it will read the candidates. Whatever you select, it will selected. When you go through the ballot, it will now say review ballot, then verbally it will review the ballot with the persons that's blind so they can hear it in their headphone.

When they're done, it will say if you want to cast your ballot, hit the red

select button. If you want to go back and make any changes in your ballot, hit the green back button. So assuming that everything is okay, they will hit the red select button. It is only verbally reviewed, their ballot. It will still print that receipt in the window, but they will not be able to see it. It will drop in bucket, it will keep a receipt, but it will only verbally tell them how they voted and allow them to review their ballot. There is no other way on the DRE.

LEG. STERN:

Is there •• you can switch to an audio mode, is there a possibility, is there a way to hear it through audio and watch it on video as well at the same time, or does it have to be either or?

MR. TONELLI:

No. No. Either or.

LEG. STERN:

It can only be either or?

MR. TONELLI:

Right now. We are working •• more than likely, I think I mentioned earlier, more than likely before the product is used, we will have the capability of someone using that joystick capability where they will have the ballot on the screen as well as audio. I think •• I'm not 100% sure, but I think we're doing that for Chicago now as we're implementing their system.

LEG. STERN:

And I can't quite remember what you said before, but when you switched to audio mode to get back to video mode for some body who might not have disabilities, what's the process to go back and forth between the two modes?

MR. TONELLI:

Well, once a voter votes, whether it's audio or the regular mode, it automatically rests itself to the regular mode. So in that case, it would operate •• the machine is designed to operate similar to your lever machine. So on your lever machine you have an activate button on the side of this machine. Over on the side of this machine is a poll worker panel with an activate button that would active it.

Same thing in a primary. On your machines if you're going to do a primary, you have a little selector switch. Now you put Democrat and Republican on the same machine and then when you choose which party you are, you lock the other one out with your selector switch. On the DREs, you pick the party of your choice before you go in the machine, and the poll worker will just hit Democrat or Republican, and that's what would come up on the screen.

So everything is controlled over on the side of the machines similar to what they have been doing on the lever machine. Now, on Optical Scan, again, just to be fair, if it was a primary, I would hand you a blue ballot as an example, if you're a Republican. It may be a green ballot, if you're a Democrat. Same with multiple languages. I can print multiple language ballots. So if you want •• if this state •• this county requires Spanish, as an example, I can hand you a ballot printed in Spanish. Or if you come up to the machine when it comes up to the voter, you'll have a choice that will

listed, English or Spanish, you just pick the one you want, and then the ballot will come up in that language.

LEG. STERN:

Last question, both of the technologies, both of the machines that we're discussing today, are both of them certified pursuant to federal standards?

MR. TONELLI:

Yes. Well, let me •• yes and no. The reason I say that is because of New York is going to require. The Optical Scan ballot •• the Optical Scan machine is used all over the country, that's federally certified. We now have to go back and get it recertified, because of the ballot design we're doing for New York State. So that's not a big deal, you just go back and show what you have done. The DRE •• this one right now is in the process of being federally certified, because we have to put a paper receipt on it.

That is not required by HAVA, that's required by New York State. It probably will be required by HAVA eventually, but it's not right now. So all vendors have to go back and get the paper verifiable receipt certified before you come to New York State. And they're all in the process of doing it. Most likely every vendor will probably be federally certified some time in April. And New York State will probably start certifying vendors after that. It's more the requirements for New York State than federally.

VICE • CHAIRMAN MYSTAL:

Legislator Romaine.

LEG. ROMAINE:

I wanted to ask a question about the cost of this, the ongoing cost. Obviously, you had indicated there would be an initial cost of about 300,000 for each system if we ••

MR. TONELLI:

No. No. That's the software cost.

LEG. ROMAINE:

Okay. What would be the initial cost for these systems to be introduced, because you said that we should do parallel systems, that both the them should be introduced, if I understood you?

MR. TONELLI:

It would hard at this point to give you a cost, because I don't know the exact particulars of the county. But if going to buy •• mean, the choices •• if you were going to buy one of DREs per lever machine, whatever number of lever machines you have, multiply that by \$8000, there's your cost. If you decide to go Optical Scan, then your first decision is do I want multiple districts on Optical Scan or do I want to go one or one. Let's assume you want to go one for one right now. You would take \$6000 times the number of districts, then add 5000 times the number of polling places, because you have to have a separate device. That's the starting point.

LEG. ROMAINE:

And then the software you're saying is about 300,000.

MR. TONELLI:

For either system.

LEG. ROMAINE:

So six hundred thousand for both, would that be a fair ••

MR. TONELLI:

You would only need one or the other basically.

LEG. ROMAINE:

Okay. So 300,000 for software.

MR. TONELLI:

Basically.

LEG. ROMAINE:

And the system, you believe, has a potential life of 15 years?

MR. TONELLI:

Yes.

LEG. ROMAINE:

Thank you very much. We have Mr. D'Amaro's legislative aide here. You're saying that the commissioner •• I do recall them indicating it was between 12 and \$15 million, which is a sizable chunk of money. As then obviously, as a county what we have to do realizing that is a 15 year life, we would have to figure that not every machine is going to last 15 years, some may break down beforehand. And we have to be putting aside literally at least a million dollars a year if we wanted to cautionally budget in a reserve funds so that we could do replacements as they would come along. So they cost would be just a million dollars a year above and beyond that anticipating that in 15 years we'd have to replace the system or along the way we'd have to replace the system.

MR. TONELLI:

Sir, let me interject. That wouldn't really be what you would be doing. First of all, in New York State, right now, the way it works is every vendor is going to give New York State a five year warrantee on parts and labor. After that time, you wouldn't be replacing the system at all, you might be repairing a system.

LEG. ROMAINE:

Or upgrading a system.

MR. TONELLI:

Well, maybe upgrading if your needs change or the laws change. But you won't ever have to replace a machine, physically replace a machine unless you had a fire or something, a catastrophe, you would just be repairing it and ordering parts and having your custodians repair the machines.

LEG. ROMAINE:

So they wouldn't break down over time.

MR. TONELLI:

Sure. You'll have repairs and you'll have breakdown, but again, you're going to order parts to repair them. An Optical Scan, a scanner might break, you might get a ballot stuck in the machine, you might have to replace a couple of boards, the DRE maybe the voter is going to go in with a ball•peen hammer and crack one of screens, you'll have to order a screen. I mean, anything is possibly on either system. You don't have to replace the old system, you are just going to be ordering parts to repair it. Similar, if you think about it, you do that now on your lever machines. You have the wheels, you have curtains, you have plugs, a lot of things that they replace now that there's probably a budget for.

LEG. ROMAINE:

Thank you, again.

VICE•CHAIRMAN MYSTAL:

Legislator Browning.

LEG. BROWNING:

Part of my question was Ed's question. Tech support, how much is tech support for the DRE versus the Optical?

MR. TONELLI:

Sequoia's tech support, again, it really doesn't matter what the system is. We charge •• first of all, when •• if you buy a system from Sequoia, when we do a contract with the county, then we determine what kind of tech support you need or want. Normally, we'll train on the system as part of the purchase price, then anything extra or on•site support, maybe additional training, we'll charge so much by the hour, transportation, things like that. So it's not •• it doesn't matter the system. Our techs are just paid on per •hour basis and transportation.

LEG. BROWNING:

Per hour. How much per hour?

MR. TONELLI:

Right now, I think it's \$200 an hour.

LEG. BROWNING:

Okay.

MR. TONELLI:

But again, I'm giving you figures that •• you have to •• you can take them, but don't put them anywhere, because what's going to happen is the state is going to negotiate a contract with all the vendors, and then they're going to go out to bid for all the vendors, and all that will be subject to change. So i'm telling you what it is right now, but it's probably going to be lower, probably going to change, because if someone is going to buy 10,000 machines from me, I'm probably going to give them a better deal than if they buy one.

LEG. BROWNING:

And when you're talking about languages, the DRE, Spanish, English ••

MR. TONELLI:

I have Spanish and English on this one. The only counties •• let's I mean, let's •• the only counties in New York that require •• that I know that require more than English or Spanish is New York City. Most of the counties •• most of the state does not require by law any language except English. Some of the counties; Westchester, Suffolk, Nassau, you might need Spanish right

now. Maybe other languages •• I don't know •• I'm not aware of that right now. New York City, they need Korean, Chinese, Spanish, English and a couple of other that I can't even remember. I think they have nine different languages that if they go DRE, we would put that on the system.

LEG. BROWNING:

Thank you.

VICE-CHAIRMAN MYSTAL:

Legislator Kennedy.

LEG. KENNEDY:

Just one other point, I guess, that Legislators Romaine and Browning bring up as far as your representation about the life of the hardware and the need only to be able to go and service it vis a vis parts replacement. Again, when you are talking computer technology, unless you manufacture those parts, some servers have evolved over the last three or four years where what was a robust and viable unix operating system four years ago, is no longer supported now by the manufacturer. You can't get the parts. How does equate or resonate with equipment such as this?

MR. TONELLI:

Well, I guess, I honestly can't speak for the future. But we have not had that problem with any of our products, and a good testimonial would be to call Bergen County that's had these for over 12 years. We have been available to

get the parts. And the ones that we couldn't get, we had to make. Now on operating systems, what we do, again, as I mentioned before, our operating system is just parts of an operating systems. We're taking drivers that we need to operate the system and putting them in there, nothing is going to ever change, unless the State Law changes or the Federal Government Law changes, which requires different configuration or different needs to.

LEG. KENNEDY:

Thank you.

VICE-CHAIRMAN MYSTAL:

Last question, Mr. Tonelli. The biggest question that has come in discussing the two systems, has been the question of hacking. It has been said by different people that the DREs are more prone to hacking than the Optical Scanners. Could you give me a little elaboration on the security system involving both of those machines?

MR. TONELLI:

Sure. First of all, I do have to state, I am not a computer expert. We do have •• we just made a big •• a major presentation to a major consulting company that's working with New York City, and we did go over all our software and how we prevent hacking and detect hacking and what we use to set up so you can't hack. So really when you look at security, it's a three part thing.

If someone can hack a system, and I'm sure that's anything's possible, but if

someone can hack a system, and I have the capabilities of detecting it before the election, then it isn't a successful hack. So you really have to look at what are you really saying. Can somebody hack a system? Well, sure, if I leave it •• for someone who's an expert in programming and I leave it there and they have enough time and they have access to the source code and everything else, I'm sure they could hack it. But can they run the election on the machine without me detecting it? No. So the answer is anything hackable, I'm sure it is. But can you run the election without me detecting it, the answer is no.

We have seals on everything. Everything is encrypted, everything is serialized. If you were to try to do •• bring in a software from somebody else's design and try to put it on our machine, the machine is going to detect that it's coming from a different location and will not operate. Now, as far as Optical Scan and DRE, as I mentioned before, they're both the same set up. If I can hack into Optical Scan, I can hack into a DRE. It's •• the program is the same.

VICE•CHAIRMAN MYSTAL:

The people most likely to do any hacking in the system would be people working for the Board of Elections.

MR. TONELLI

Well, that's right. Here's where I see •• again, I would be happy •• if anybody has an e•mail, I'll send you our five pages of how we protect our system. I'd happy to do that. That's for all our systems. However, you are right. You are right.

If it's a DRE, or if it's •• again, I'll expand this so you can see that it doesn't matter. If it's Optical Scan or if it's DRE or even if it's lever machines, the people that are setting the machine up, if they are going to do something to it and no one checks it, then I'm, going to have problems. The same with your lever machines.

Now, what New York State does, and I suppose it's still possible, but one of the things we do •• remember now, you have a Democratic staff and a Republican staff. You have Democrat custodian and a Republican custodian that goes out and supposedly is supposed to check every machine together. So if they're not done correctly, one of parties looses, but both of the parties are checking them, so that's checks and balances. The same with Optical Scan. If I'm going to code the ballot, I have to sign a ballot position for that name on the ballot. You're going to have a Democrat and a Republican more than likely doing that coding in your county. The same with the DRE. That to me, is the only place that anybody could do something, because I'm setting the election up now, I'm telling you where the positions are. If they don't check it after that, then, yeah, but again, it's the same as your lever machines. If I don't set that lever machine up properly and I leave a name off and no one checks the front of that machine, then you're going to have the same problem.

VICE•CHAIRMAN MYSTAL:

I don't want to prolong you, but let me give you a simple scenario. Let's say I'm a Board of Election worker and an election is coming up and I know this machine, either one of them, is going to a particular district, and I know that district heavily either Democratic or Republican, can I somehow hack into the machine and make the machine reject most of the votes for the other party?

MR. TONELLI:

The answer is no. No. Once the coding is done and it's inserted into the cartridge and they lock the cartridge up with a seal and it's put into the machine, that's it.

VICE•CHAIRMAN MYSTAL:

And the cartridge you're talking about, it votes to memory?

MR. TONELLI:

Yes. The cartridge on either one of the systems are going to be loaded in and that's the way the machine will be reading the ballots. Once it locked, it's sealed, the machine's locked up, even if •• the only thing they can do is take cartridge, but then the machine won't work. So unless that person had access to the program that they used to program this and they changed that particular cartridge and they got to the machine and unlocked it and put the new cartridge in and seals that in, they can't do it.

VICE•CHAIRMAN MYSTAL:

Last question, what about after the vote? Can I manipulate ••

MR. TONELLI:

No.

VICE•CHAIRMAN MYSTAL:

•• what the machine registered, either one, you know, manipulate the after vote?

MR. TONELLI:

The answer is no. We have three criteria. They have a pre•election mode, an election mode and a post•election mode. A pre•election mode is where your custodians go in and check everything, the software, the batteries, the memory, everything there is to check, it checks. It prints out a read•out to tell you the status of the machine and whether it's working properly or not and whether it's counting votes. Then you have the election mode, which is you run the election. After the election is over, the machines go into the post•election mode automatically. I can't manipulate the machine, I can't reset the machine, I can't do anything until I go through a serious of steps to verify that that machine counted everything properly. Then I can reset it for the next election.

VICE•CHAIRMAN MYSTAL:

Presiding Officer.

P.O. LINDSAY:

I'm sorry about this last question, but the more you talk, the more questions you raise. The DREs, I want to talk a little bit more. I see four screens there. Does •• New York State requires the full•faced ballot, does that mean that all four screens are going to show the same thing or a different piece of the ballot is going to be on each screen?

MR. TONELLI:

It depends on the ballot. If the ballot is all the way across, then it could be on the top two screens, it could be on all four screens, it just depends on how big the ballot is. Everything does show on the face of the ballot.

P.O. LINDSAY:

In one swipe?

MR. TONELLI:

Yes.

P.O. LINDSAY:

There's no turning over like with the paper ballot, you see the propositions?

MR. TONELLI:

No.

P.O. LINDSAY:

And it will be big enough that it will be legible that you don't need a magnifying glass to read?

MR. TONELLI:

The law reads that the size of the print will not be any smaller than what your smallest print is now on the lever machine, which I think is three-quarters of an inch.

P.O. LINDSAY:

That's one question. Second question is when we talk about this issue, we're really concerned about three things; cost, verifiability. Now you say the DREs, you get a receipt. But that's just for the voter, that doesn't get deposited anywhere.

MR. TONELLI:

No, I didn't say that. The voter does not get a receipt. The voter gets to look at the receipt before it's printed.

P.O. LINDSAY:

On the DRE?

MR. TONELLI:

On the DRE. After you look at it, it's going to be under glass in a window. Wait a minute. If you don't get it, it's going to drop into a ballot box.

P.O. LINDSAY:

So there is a paper backup to the DRE?

MR. TONELLI:

Yes.

P.O. LINDSAY:

The same as the scanner?

MR. TONELLI:

Yes.

P.O. LINDSAY:

All right. Thank you.

VICE-CHAIRMAN MYSTAL:

Mr. Tonelli, I know you want to go to the presentation. Just for everybody around in the committee, it's five minutes to eleven. This committee is supposed to be over by 11:30, so I'm running short of time. So if you give us •• everybody want to see a quick run down of the machine? Quick run down of the machine and then I will call the people who have cards to speak.

Please, when I call you, be brief, be very, very brief. Be very, very short.

(* VIDEO PRESENTATION*)

VICE•CHAIRMAN MYSTAL:

Mr. Tonelli, I want to thank you very much for your presentation. I'm sure you will hear from us again. And we'd like to say to you that probably we'll ask for you to come and do the same thing for the full Legislature. Not now. Some other time.

MR. TONELLI:

Thank you very much all right.

VICE•CHAIRMAN MYSTAL:

The last presentation we have is Ms. Teresa Hommel. Teresa. Ms. Hommel, we're running short on time, so if you can give •• I'm going to give you five minutes to do your presentation and then we'll go from there.

MS. HOMMEL:

Tell me when to start.

VICE•CHAIRMAN MYSTAL:

Can I have your attention, please. Ms. Hommel, you have the floor.

MS. HOMMEL:

My name is Teresa Hommel. I'm a resident of New York City. I've been asked to come out here as, I guess, an expert on voting system technology. I am an expert in computers. I've worked with computers since 1967.

I'd like to start by pointing out to you five different things about the nature of the technology. First of all, voter intent is a big subject. When you vote on an electronic voting system like the DRE that's been shown here, there are three copies of your ballot; one is on the face of machine, that lasts until you leave the booth. The second is on the paper strip, which remains in the machine. That is not your legal ballot, it may or may not accurately reflect what you saw on the screen. But your legal ballot is the one that's electronic inside the machine and nobody ever sees that, so you don't really know whether the voter intent is reflected in the count if there is an error in the programming.

When you use Optical Scan system, the voter intent is on the paper ballot, which was marked directly by hand with •• by the voter, and that is your legal ballot. So there's a difference in what your legal ballot is, whether it's electronic or whether it's actually paper. Second, the question of cost.

John (Ravvitz_ whose the Executive Director of the New York City Board of Elections testified on Tuesday this week before the Governmental Operations Committee of the New York City Council. He said his understanding was that the replacement ration of lever machines to DREs may be as high as three to

four. The reason is he suggested that the state might be setting a limit of 200 voters per DRE per day. So the lever machines in New York City at this time are set up to handle 800 registered voters with an assumed turnout of 75% or 600 voters, in fact, voting during the 15 hour day.

The reason that it would take more DREs to handle that number of voters is that on the lever machine, it takes one and a half minutes average to vote. With the DRE it takes an average of three to four and a half minutes per voter. Just do the arithmetic, divide the 900 minutes of the Election Day by five minutes or four minutes per voter or three minutes per voter and you see that you cannot handle six to 800 voters on one DRE. So the replacement ratio rather than being one to one maybe one lever machine replaced by, in my estimation, figuring three minutes per voter, that would allow 300 voters per machine, you would need two DREs per lever. If you used the 200 limit that John _Ravvitz_ suggested that the state was looking, then you would need three or four DREs. That means your price is three or four times higher than what was suggested.

Second of all, in terms of the Optical Scanner, it takes •• jurisdictions around the country have said it takes zero to two seconds to insert the ballot. So there basically is no limit to how many people can access the Optical Scanner during the day. They are rated generally from three to 5000 voters.

I would like to address also the question of separating the ballots into separate districts. New York State Law requires a 3% manual recount of the ballots, and you will have to separate the large paper ballots, which are easy to separate, and you will also have to separate the little paper strips, which will be much harder on separate. The little paper strips are on heat sensitive paper, and I question whether anybody has done the appropriate testing to see that by the time you have to do your recount whether anything will still be visible if your box of the heat sensitive strips was stored near a radiator or

in the sun, in the warehouse or something like that.

If you use an Optical Scanner to handle multiple districts, the poll worker has to hand the voter the correct ballot for the district. If you use a DRE and the DRE is programmed for multiple districts, the poll worker must encode the district on a little card or some other method. If the voter makes a typing error in typing in the district, the voter is going to be shown the wrong ballot, not the ballot for their district, but some other ballot. So they won't be voting correctly on the appropriate ballot.

I think it would be much easier for voters •• for poll workers to look at a ballot where it's written what the district is and get it right then to have to type something into a little machine. I think you have a written copy of my testimony. There are three main points I would like to make. When looking at electronic voting systems, there is always the assumption that they work. Industry statistics in the computer field tell us that 72% of computer systems never work. So the assumption that these machines work is out of line with the industry.

Second of all, the FBI computer crime report of last year, which was published in January of 2006 shows that 87% of companies have had break •ins, 64% lost money, which indicates the severity of the break•in, because there are a lot of break•ins that are done for prestige, but they don't get anybody any money. But a severe break•in where you actually go through several lines of security is when you get money, 64% lost money. And 44% had infusions from within the same organization. So the idea that these machines will be secure is out of line with the industry. There is no such thing as a computer system that is secure.

VICE•CHAIRMAN MYSTAL:

Please wrap up.

MS. HOMMEL:

Two more quick points. The idea that electronic voting is easy to use is belied by 120 pages of documented failures. So I don't know if anybody has present that to this •• to this group. The 120 pages of documented failures is referenced by the GAO study of Congress. In almost all cases, the failures of the computers have been blamed on poll workers and voters. My point is that if the equipment is not usable so that it fails with the audience that it was intended to serve, then it's not usable and should not be purchased.

My last point that I want to make is that there's an assumption that once you buy the equipment and you pay for it that your problems are over. I have in my testimony a list of states randomly selected; Maryland, 1000 % cost overruns in maintenance; New Mexico, irregularities keyed to ethnicity of the voters. In other words, the tampering was targeted by language group. So computers give you the ability to target specific populations when a person presses that they want to vote in Spanish, then you know that that's a Spanish voter. When a person is blind and they use the headphones, you now can target your tampering by the class of voter. And that is something you cannot do with levers.

I call your attention to the Florida, Miami Dade Coalition, which obtained the log files from equipment made by Sequoia, and in one election found other 100,000 discrepancies in the logs files, thousands of recalibrations that had to be done during the election Day, tens of thousands of shut downs and reboots that occurred, and none of this was revealed to the voters or to anybody else, and they were simply told that the results of the equipment

was correct.

So my point is I'm asking you •• this is •• I understood that this hearing would be Memorializing Resolution supporting paper ballots and Optical scanners. And I do urge you to approve that resolution, because with a paper ballot, at least you have the voters intent recorded in a permanent fashion. And if there is a question about the Optical scanners, paper ballots, real paper ballots are incredibly easy to recount. Thank you.

VICE•CHAIRMAN MYSTAL:

Thank you very much. I hope we don't have any questions. Any questions?
Thank you very much, Ms. Hommel.

MS. HOMMEL:

Would anybody like any of the documentation?

VICE•CHAIRMAN MYSTAL:

You can give it to the Clerk, and the Clerk will distribute everything. We are going to take a five minute recess, and we will be back in five minutes.

(* A RECESS WAS TAKEN FROM 11:16 UNTIL 11:36 A.M.*)

VICE•CHAIRMAN MYSTAL:

We are back in session. We have a series of speakers this morning. And we

were going to do the agenda first, but we don't have all the people back in from the press conference yet, so we are going to start calling the speakers in the order that they were given to me in the cards. The first speaker I have is Ms. Deanna Marshall from the County Executive's Office. Could you, please, come to the podium? You have three minutes. If you can cut it short to one minute, I would be happy.

MS. MERSHALL:

It depends. Well, I guess, I don't need my glasses for one minute. Does the fact that you are not all back in session mean that you won't be voting on the resolution today?

VICE•CHAIRMAN MYSTAL:

We are going to vote on this resolution today.

MS. MERSHALL:

I'll be brief then. As you know, this resolution has come before this body to actually increase the participation of minority and women owned businesses here in Suffolk County.

VICE•CHAIRMAN MYSTAL:

What's the resolution number, please?

MS. MERSHALL:

1144, correct?

P.O. LINDSAY:

Yep.

MS. MERSHALL:

To increase the number of women in minority owned business participation here in Suffolk County. This resolution calls for a couple of things, and was introduced by the County Executive. One of the things that it calls for is the certification process, and this process should kind of mirror what they have in New York State currently. It won't be something different.

The second thing that this resolution calls for is a disparity study. The reason for that is because in order to have any type of participation requirements, it would have to go through that study. It would also give us an indication of what the utilization can be here in Suffolk County.

Another thing that this resolution calls for is a closed-loop process where we'll actually be able to monitor the utilization of minority owned and women owned businesses here in Suffolk County. Not that they just come in and say that they're going to be used, but in the end, that they actually were used.

The last thing that I will note here is in case anyone is concerned about the availability of minority owned and women owned businesses here in Suffolk

County, the County Exec has an initiative, which instituted a website where all minority owned businesses and women owned businesses can register their businesses and they would receive notice of any contract that comes out to Suffolk County. So we will have a process in place for minority businesses to be notified as well as the Minority Business Enterprise Coalition that reports to the •• well, has a coalition that is in contact with the County Exec as well as the Suffolk County Women Business Enterprise Coalition, all of whom have left at this point, I believe, but we do have a process to identify those companies.

VICE • CHAIRMAN MYSTAL:

Thank you, Ms. Marshall. I'm not take any questions. I don't have the time. Thank you. Mr. Marc Klein from the Long Island Progressive Coalition. You want to speak on voting machines. You have three minutes. Cut it down to one minute.

MR. KLEIN:

One and three quarter. I'm Marc Klein, Suffolk County resident for approximately 40 years and member of the Long Island Progressive Coalition's Voting Committee. The history of real world experience has repeatedly demonstrated that had DREs are not cost effective. In addition to excessive initial purchase costs, the DRE after acquisition costs are very substantial and wastefully unnecessary. These costs will fall on the County and not be covered by HAVA.

I'll be happy to delineate some of these continuing costs, but for the sake of brevity, I will highlight just two items. First, cost involving DRE machines have skyrocketed in Maryland. In a blistering letter, Republican Governor Erlich has called to task Maryland State Chairman of the Board of Elections. I

quote from his letter, I also continue to be troubled by the rapidly escalating costs of election administration in Maryland, especially in comparison to fiscal estimates they were prepared for the General Assembly, end quote.

Specifically in 2001, it was estimated that had the total cost of DREs would be \$37 million. The actual cost turned out to be \$66 million, an approximate cost overrun of 78%. I continue to quote from the letter, however this misjudgment pales in comparison to the 1000% increase for estimates of the annual maintenance costs of this system, end quote. Specifically the Governor was saying referring to the fact that maintenance estimates were \$858,000. But the State Board of Election has come back with a request not for \$858,000, but nine and a half million dollars. The Governor continues, costs have skyrocketed as our confidence in the system has plummeted. The Governor goes on in the letter and calls for the replacement of DREs with Optical Scanners.

Second item, a six year comparison study from 1999 to 2004 of the operational maintenance costs of Sarasota, which uses DREs and _Manate_ County, which uses Optical Scanners reveals that Sarasota spent 1.1 million more per year than _Manate_ . Note Sarasota voter population is approximately one•eighth the size of Suffolk's. So you can extrapolate what might happen.

In closing, I'll say, I urge you as guardians of the wallets of the taxpayers to make the economically sound and wise choice for the County, that is endorse Optical Scanners. Thank you.

VICE•CHAIRMAN MYSTAL:

Thank you. I have a series of cards here all on the same subject of the voting machines. I want to explain something to the public. You know, we are not choosing a machine today, we are not voting on anything that has to do with the machine. I will keep calling them, because they have the right to speak, but if you can keep your message to us very short. Next person is Jim Wood.

MR. WOOD:

Good morning and thank you, Mr. Chair. My comments, however, are not on the voting machines issue, my comments are on the legislation to increase minority participation. My name is Jim Wood. I am a New York State certified minority business owner. I'm also the vice•president of the Suffolk County Minority Business Coalition. And I applaud and support the passage of this legislation to ensure and to encourage the participation of minority and women owned businesses in Suffolk County procurement process. We all know that this participation level of these citizens has been shamefully below what we would like to see and below their representation in the community • in the community.

The passage of this legislation would not only •• is not only a beginning to correct this disparity, it will also increase the economics of the community and the tax base of the community in which these people serve. I strongly encourage your quick and decisive passage of this legislation. Thank you.

VICE•CHAIRMAN MYSTAL:

Thank you very much. Next person is Mike Gadin on the voting machines.

MR. GODINO:

Hi. My name is Mike Godino. I'm a resident of Nassau County. I'm employed by the Suffolk Independent Living Organization here in Holtsville. I also sit on New York State Independent Living Council. All three are entities •• and the American Council of the Blind, it's what I do on my volunteer time. All three are entities that promote the independent dignity of people with disabilities. I'm legally blind. I have been since 1992. Haven't been able to vote privately and independently since then.

Some of the things I would like to see Suffolk County include when making their choices in whether or not to choose a particular voting system is, one, the ability to have large print screens, which this DRE was •• would exercise. But we don't know if that will allow us to vote privately and independently, because the systems that are being shown on the full•faced ballot, quote, unquote, DREs do not permit us to scroll through individual races one at a time, which we can do on the ballot marketing device. This machine that's being shown here today was only induced in November, so it is a prototype. The gentleman, sales rep, spoke about selling them all over the country, however, this machine was not available for viewing back in November when I asked them to come to one of our conventions and show this particular machine.

The voting systems must have the availability of •• ability to be able to scroll through various screens, so it's basically the ability to navigate multiple screen technology, which we can do on many DREs, but those particular DREs are not available to New York State, because of the full•faced ballot requirement. Advocates did fight to have that requirement changed unsuccessfully through New York State. The Legislature didn't think it was necessary to do such a thing.

Another thing that was brought up during the system testimony of the sales rep was the fact that the audible •• the paper •• voter verifiable paper auditing trail as quoted from statute requires that the voter have the ability to verify their vote prior to casting that ballot. If we use the DREs that are available to us, the paper ballot is not verifiable via the same data stream that a person who has vision verifies that paper trail prior to casting their ballot. We are forced as people with visually impaired or people with alternative language as their native language are forced to trust that the machine is reading back what the paper says where the paper ballot •• audible paper trail was installed in statute so that people did not have to trust the machine. However, we as people with visual impairments are going to be forced to trust the machine.

We would like to see Suffolk County refer back to the voluntary voting system guidelines, which was created down in Washington DC ••

VICE•CHAIRMAN MYSTAL:

Please wrap up.

MR. GODINO:

By the EAC. And I just want to guarantee, I hope that Suffolk County in passing this resolution will not close the door to any other system being made available to voters here in New York State. I do have copies of my testimony, so that I would like you all to have a copy. Thank you very much for the opportunity.

VICE•CHAIRMAN MYSTAL:

Thank you, Mr. Gordino. Lisa Tyson.

MS. TYSON:

Good morning. So my name is Lisa Tyson, I'm Director of the Long Island Progressive Coalition. And basically, listening to the testimony of the gentleman, if there's one thing I would like for you to remember and that he taught us is really nothing. It's very clear a lot of his information was incorrect. I think Mike just proved one thing. The machine that he acted like was an older machine here was a very new machine that they just developed. And there were so many inconsistencies within his testimony, we really hope that you don't depend on that.

One thing that a lot of Legislators were not in the room for, which one of the previous speakers spoke about, is that it could mean one lever, we need three or four DRE machines to replace one lever. That is not the testimony he was saying whatsoever. So, please, we have to make sure that a company that sells both DREs and Optical Scanners, we want to understand what's his motivation. Well, the motivation is money. Because at the end of the day, a company that makes DRE machines is going to make lot more money, because it's a more technical system, it needs more work, the technical support is going to be an ongoing contract in certain states where they contract for a certain amount of technical support, it was used up in their first year and then they had to go on a per hour basis to pay for technical support.

I also think it's important to understand that what that machine was putting out, that sheet of paper, that little ATM style machine, is not what the voter verified. If you think that on Election Day that people are going to be able see that little typing, you're going to look in the screen like that to verify that was their vote, we know it's not going to be the case. And a lot of people are

going to have misvotes. And that is not what the voter filled out. The Optical Scanner ballot is exactly what the voter filled out so that if there is a problem, you can go into that box and you can make sure that is the result of the election, and it's a totally verified election opposed to a little ATM piece of paper that the machines spit out.

There is a reason why state wide common cause, League of Women Voters, Citizen Action, our affiliate, why all of us support Optical Scanners. It's because they're used all across the country. Forty six percent of the counties in the United States use them right now. DREs are being abandoned for Optical Scanners.

In 2006, among the states switching over to 100% Optical Scanners are North Carolina, Michigan, Arizona, South Dakota, North Dakota, Rhode Island and West Virginia. There is no states from our understanding that are actually going from Optical Scanners to DREs. It doesn't work that way. So we are saying there is a technology that's proven. We use this in our schools. There's not problems. They don't have to be fixed all the time. This is what works. We need this decision. We really hope that you pass this Memorializing Resolution. Thank you.

VICE•CHAIRMAN MYSTAL:

Thank you. Next person Lawrence Silverman.

AUDIENCE MEMBER:

He had to leave.

VICE•CHAIRMAN MYSTAL:

Thank you. Next person is Marge Acosta.

MS. ACOSTA:

My name is Marge Acosta. Thank you so much for being able to speak before you. Last month when I came before you, I said I was terrified of losing my vote, and I still am. But after studying the skyrocketing annual costs that you heard about and budget overruns, and many other states you haven't heard about, I'm now also terrified of losing my home. And I'm not exaggerating.

Property taxes on long Island are already rising at horrendous rates and are becoming unmanageable for many of us. If new York and Suffolk choose DREs with skyrocketing costs, who is going to pay for them and how? More taxes? Who will be held responsible for a budget out of control? Not the Board of Election Commissioners. You are our elected officials. You are our voice and our advocates to the State Government. It is not only your right, but your responsibility to make sure decisions are made that are in the best interest of Suffolk residents.

When the positions of Board of Election Commissioners were established, I do not believe the intention was to have two people decide the entire voting system for a million and a half people without the input of elected officials. And the structure of our town, county and state governments were set up so that local representatives would voice our opinions to the state. That's what Memorializing Resolutions are all about.

If you wait until the decision is made, it's too late. I spoke with Cook County, Illinois, Boston, Washington State who are using Optical Scanners who

explained their procedures for Optical Scan voting. In Washington State, the programs are almost all done in-house. Imagine the difference in cost. In some counties it's been done for over 30 years, and they're Optical Scanners, by the way. Some have 3,000 for over 15 years, only one that had to be replaced. Think about your computers.

Election staff employees are programming four to 12 election districts in one Optical Scanner, and it does give print-out reads according to election districts, it does hold over 3000 ballots in the box, and they have all these different system if there are more than that. The systems are secure. Ask me about how they secure very simply these Optical Scan systems as compared to the DREs. Ask me about the support costs for the DREs in Washington compared to Optical Scanners. If you ask, I can tell you.

I can tell you how these jurisdictions handle security storage and polling site aspects and how they operate simply and successfully. Boston, for instance, has a four in one privacy booth for \$500. Cook County plans •• also plans in-house programming. I have heard that the •• you have heard that the GAO and Carter•Baker and even the CRS report that Suffolk Commissioner gave you state that Optical Scanners are much more secure. You've heard it many, many times they're not less expensive.

VICE-CHAIRMAN MYSTAL:

Ms. Acosta, please wrap up.

MS. ACOSTA:

Okay. It's a one-time project. This is our vote •• it's not a one-time

project. This is our vote. It's the basis of our democracy. New York has had a stable virtually unified system that worked well for as long as most of us remember. Why not vote for another state•wide system? If you know in your minds and hearts that paper ballots and Optical Scanners is the best system for New York and Suffolk, then it's your responsibility to speak up and perhaps avoid a financial and constitutional disaster. Thank you very much.

VICE•CHAIRMAN MYSTAL:

Thank you. Next speaker is Ms. Susan Greenhalgh.

MS. GREENHALGH:

Good morning. Thank you for the opportunity to speak today. I've been following the implementation of HAVA in New York for the past year as a very concerned citizen, and I like most people understood that our New York State Election Reform and Modernization Act to ban lever machines in agreement with the Help America Vote Act.

However, recently I learned that this is not the case. February 9th, I attended a meeting with New York State Board of Elections Commissioner Douglas Kellner shortly after the Department of Justice sent a letter of intent to sue New York State. Stating that all of his comments were on the record, Commissioner Kellner shared some insights into the discussions taking place between the State Board of Elections and the United States Department of Justice.

In the Department of Justice's efforts to press New York State's compliance for the 2006 elections, the Board of Elections and Department of Justice were

discussing an alternative plan to replace all of New York State's machines before September, but satisfy the requirements of HAVA.

The alternative he outlined would require New York state to provide a disabled accessible voting system at every polling location, either an Automarked disabled accessible ballot marking device or the Vermont Vote by phone system for all disabled voters, while allowing remaining voters to cast their votes on lever machines. This plan would satisfy all the requirements of HAVA, including accessibility. Commissioner Kellner went on to say that if this proposal is implemented, the only impediment to keeping lever machines indefinitely would be New York State's own ERMA Law.

I then asked Commissioner Kellner if our Legislature was persuaded to amend ERMA would be able to keep the lever machines indefinitely and would that be acceptable to the Department of Justice. He replied absolutely, it's legal. Mr. Kellner went on to address some of the requirements of HAVA that have been cited as prohibiting lever machines and how our New York State lever system satisfies them. I would be happy to elaborate on this if anybody has questions.

With a little bit of research, it becomes abundantly clear that HAVA was written to permit the use of lever machines, not ban them. Section 301 of the HAVA Voting System Standards presumes the voting systems allowed specifically saying, and this is a quote from HAVA, each voting system used in an election for a federal office shall meet the following requirements; in general, the voting system, including any lever voting system, Optical Scanning voting system or Direct Recording Electronic voting system shall, and then the standards that HAVA requires are listed.

Obviously, the authors intended levers to be used HAVA. In the past year as I've spoken to a lot of groups about the changes in the voting system, Republican clubs, Democratic clubs, League of Women Voters, I have found over and over again that most common response is, why can't we keep the lever machines. I've heard a similar version is heard from the Board of Election Commissioners, and I don't understand why we can't keep the lever machines. With one Commissioner adding, Florida created a mess, and we are being punished for it.

VICE•CHAIRMAN MYSTAL:

Please wrap up.

MS. GREENHALGH:

We don't have to punish ourselves. I urge all the officials here to express support for retaining lever machines to the State Board of Elections and Attorney General in their negotiations to the Department of Justice and our State Legislature. Of the three systems, levers are more desirable, they're accurate, transparent, easy to use, easy to administer, and most of all, they're cheap. We don't have to buy them. We own them. They're cheap to administer. We'll save millions of dollars election after election. The misconception that we must replace our lever machines needs to be challenged, and I hope the Legislators will use their influence to that end.

VICE•CHAIRMAN MYSTAL:

Thank you. Mr. John Ferrante followed by Peter Cheney.

MR. FERRANTE:

My name is John Ferrante. Some of you may know that I'm a title examiner. However, I'm here today as a private citizen and very concerned about the prospect of the County Clerk's records being put out on the internet. I'm not concerned about how it will affect my livelihood. There's much more to title searching than deeds and mortgages.

What I am concerned about is privacy and identity theft. I've been following this closely since it was first brought to my attention several years ago. I've spoken to Mr. Romaine as County Clerk, to Mr. Levy's office and in front of Legislature to voice concerns about the security and privacy issues. No one seemed •• no one that we addressed really seemed to care or take the issue seriously. That was until a couple of weeks ago when Newsday wrote an article about it.

We have been talking about this for years only to be dismissed. And after one short article we have more quotes from every local level of government trying to either distance themselves or offer excuses that Newsday claims is exaggerated. Well, I'm telling you now and on the record, that article was not exaggerated. And in my opinion, it didn't go far enough. It's like looking for a needle in a hay stack. If Social Security numbers were needles, I'd look like a porcupine by now.

It's not just about Social Security numbers, it's about the other personal information on these documents. I know that these documents are public records, and I've that argument as recently as yesterday. The fact that they are public records does not mean they have to be placed out on the internet. The County Clerk is charged to keep and maintain those records. They are available at the County Center to whoever wants or has the need to see them, they can go look at them and get copies if they want.

Let's be honest here. This system is not for the general public. It is an attempt to use my personal information as a revenue generator. Now, I'm all for generating money for the County, especially after seeing my last tax bill. I remember Mr. Levy saying that the County was fiscally sound and there would be no increase in the County share of taxes. So I suppose the 50% increase I saw on my property •• my County portion of my tax bill is a typo, but I'm digressing.

I was saying that the system was really being sold as nothing more than a revenue generator for the County, I know my time is getting short, so here are just some bullets. Despite what you think, title companies will not buy this. You can't do a title search with that system. The only people interested in looking at other people's information are title people and the bad guys. On the radio yesterday, Mr. Romaine said that district attorney ••

VICE•CHAIRMAN MYSTAL:

Wrap up, please.

MR. FERRANTE:

Yes, I will. District Attorney Spota was unable to trace one case of identify theft back to the system, but Mr. Spota also said that in cases of individual identity theft it is nearly impossible to trace back to the source. Mr. Romaine also said that information is already on the internet, and it is not •• I promise you, 20 seconds.

VICE•CHAIRMAN MYSTAL:

You have ten.

MR. FERRANTE:

Okay. You can look up the street address on the internet, get an ariel picture of the house, maybe evaluation, but you are not getting the owner's name and you can't search by the owner's name. In closing, I hope that as our elected representatives, you would place our and your own safety ahead of the illusion of a large windfall into the County budget. Thank you.

VICE•CHAIRMAN MYSTAL:

Thank you very much. Mr. Peter Cheney. To the members of the committee, I'm not taking any questions in the interest of pushing this along.

MR. CHENEY:

Mr. Chairman, Committee Members, my name is Pete Cheney. I am a title examiner, and I've been in the business •• title business for more than 30 years. The threat of identity theft is real. An earlier ascertain my Mr. Romaine of five to ten cases of Social Security numbers on documents is at best naive, at worst a lie.

We have in our possession hundreds of such documents going back to 1999. We know that there are thousands out there just waiting to be mined for valuable information. The website for the County was removed, you need any further proof? This underlying project must stop until all Suffolk

taxpayers are protected, not just public officials. They may even be given the option of having their sensitive of information online.

I know that new laws are being considered as a solution, putting the onus on financial institutions and private citizens. This is wrong. The problem was created by the former County Clerk to rush a system online for his legacy or rather money machine. Very little effort was made to correct errors and keep sensitive information from being online. It is the County Government that must protect its citizens and assume responsibility for its acts.

This online system also is about the money. Presenting the system as a benefit to the public is disingenuous at best. The average person in Suffolk County does not use the website, and in fact, does not even not know it exists. The only concern that John Q. Public has regarding the website is the Social Security number being on a world wide computer network. This system is being treated as a benefit to the public. But in reality, it's being designed to make it valuable to information companies all across the US and abroad. The companies are the very same ones with laptop computers, they're in the public access room in the each an every day mining information. They are not the public.

The County Clerk, County Executive and the Legislature have already approved the expenditure of several million dollars for this online system. Selling subscriptions is a smoke screen to convince the taxpayers their monies will be re cooped. At what expense? Cost will always exceed revenue putting thousands of taxpayers at risk by making a it convenient for identity theft. Are you willing to expose your constituent's private information? Are you willing to continue to use taxpayer funds to create a system that benefits only a few commercial clients at the expense of taxpayer? Asked the question, could you redact documents prior to December of 2000 when imaging started? It requires a tax map number now to access, but what

about later? Until and if this system can be made safe, stop throwing good money after bad. Thank you.

VICE•CHAIRMAN MYSTAL:

Right on time.

VICE•CHAIRMAN MYSTAL:

Susan Tocci.

MS. TOCCI:

Can I pass my time?

VICE•CHAIRMAN MYSTAL:

You can. Joe Chingas.

MR. CHINGAS:

Due to the time problem, I'm also going to pass my time.

VICE•CHAIRMAN MYSTAL:

Thank you. Dennis McGowan.

MR. MCGOWAN:

Gentlemen, my name is Dennis McGowan. I've worked for the past 43 years at the record room in the County Center. I'm here today to address you about the matter of selling of Social Security numbers and other personal information on the internet by the County Clerk. The Clerks, both past and present, would have you believe that there are only a few mortgages that contain Social Security numbers. I have with me copies of mortgages, consolidation agreements, money judgment, income executions, UCCS, powers of attorneys, release of lien of estate tax and federal tax liens that all contain very sensitive information.

Two of these instruments were recorded prior to 2000, which you've been told that they're not going to do back that far, they are. So can I redact these instruments also? All right. These instruments that I have here, not contain Social Security numbers, but they contain the checking account numbers, the saving account numbers of individuals, where they live, where they work, how much they make, a variety of information. I have copies here if you would like to see them.

I would just like to say that I think you should stop this from happening. This is not right. The people of Suffolk County do not want this. Only the politicians that are behind this want this. And it's not right. Thank you.

VICE•CHAIRMAN MYSTAL:

Mr. Mason Haas.

MR. HAAS:

Good morning, Ladies and Gentlemen. My name Mason Haas. I live out in Jamesport, and I run a business researching the records at the County Clerk's Office. But I come to you today as a taxpayer and residents of Suffolk County. The reason for my appearance here today is in regards to an issue that I have spoken on before including the 2000 November Legislative Meeting here in this same room.

At that meeting, I along with several title examiners spoke before the Legislative body of our concerns regarding the County Clerk's office online system. We spoke of the Social Security identity risk issues and the outsourcing of work performed by myself and numerous other Suffolk County residents in the real estate industry who are your taxpayers and your constituents. At that same meeting, I myself misspoke of the abundant records now available across the country online. However, I strongly voiced my concerns regarding identity theft issues and the need to consider limiting those records available.

I'm here again to plead with each of you to listen to the voices of both your local constituents and those of Americans across the country. We are greatly concerned with the subject of our records being available online. I do not feel at that meeting in November of 2004 that the Legislative body comprehended nor understood all the facts regarding the online system. Concerns were raised •• concerns raised were quickly put aside by the ex •County Clerk, Mr. Romaine. And I quote Mr. Romaine, we think this is going to be a tremendous benefit in terms of protecting people against identity theft, because we will and we have developed a tool and my IT director can talk to that that will block out signatures and social Security numbers and the subscription service.

Now, this morning, the acting County Clerk was here asking for the money

now to get this software. They said back then that they had already created it. Ladies and Gentlemen, I work with these records every day and have viewed more records than Mr. Romaine would ever care to view. I stress with you the urgency of this situation. The risk of online records goes beyond Social Security numbers. The American public's identities are being jeopardized and all for the benefit of what? Of what? I ask this of you because you will be asked this again in the future.

Have an answer ready for your identity•raped constituents. Mr. Romaine also goes on and justifies the Social Security numbers and signatures being available by stating the signatures, private numbers, Mr. Romaine testified, are something you can get now from records filed in the Clerk's Office. This statement sounds familiar to one •• is similar to one in an article dated March 4th, 2006, which states those documents with the personal data intact are available to the public at Court Offices. Sounds a little familiar, does it not? This came out of an article, the Akron Beacon Journal, entitled, "Eight Accused of Identity Theft, Ring Allegedly Steal Social Security Numbers from County Website, Spends About \$500,000." Eight people were convicted, and they were not from that area.

VICE•CHAIRMAN MYSTAL:

Wrap up.

MR. HAAS:

I have six more minutes.

VICE•CHAIRMAN MYSTAL:

It doesn't work that way.

MR. HAAS:

The point to make here is to obtain this information ••

VICE•CHAIRMAN MYSTAL:

No. No. No. You don't have six minutes, you have three minutes.

MR. HAAS:

Two people deferred their time to me.

VICE•CHAIRMAN MYSTAL:

No. No. It doesn't work that way. If they don't want to speak, they don't want to speak. You don't have six minutes, because I'm going to cut you off.

MR. HAAS:

The point to make here is to obtain this information now, one must physically go the Clerk's Office in Riverhead and show ID to get into the building and view the records, not do it from across the country or globe. Mr. Romaine in

his statement regarding blocking out certain info is referring to redaction software. My understanding of this is not 100%, so let me ask these questions. First, can the County redact info from what has already been microfilmed? My understanding is that redacting will not work on what is being currently converted from microfilm to image. If this answer is no, then it is a problem as many older instruments have Social Security numbers on it. I have here one deed prior to the imaging. Ninety two Social Security numbers are on it. Somebody want to take that, please? Ninety two individuals with their home addresses and everything.

VICE•CHAIRMAN MYSTAL:

Please wrap up for me.

MR. HAAS:

Okay. Second is, it is 100% the taxpayers should receive no less of an insurance. I would like to read this into the record. This is from one of the many articles I found from redacting. In other counties across the country, Clerks are claiming they have technology to retroactively redact the Social Security numbers they have published in cyberspace. Do they, or is this just another misleading statement designed to sell more expensive software? A company was awarded a \$500,000 contract when Florida was not able to do the job completely. The statement also mentions Florida, and there are numerous cases in Florida in the Florida papers that turn around deeds deed scams leaves mess for state, county, rampant deed fraud in Florida, investigators acknowledged criminals used images published ••

VICE•CHAIRMAN MYSTAL:

Mr. Haas, thank you. You've made the point, okay.

MR. HAAS:

May I just refer to one other thing here. I attended a meeting at the request as a guest of the County Exec's Office, I and another examiner, Frank _Schuler_ last fall. It was held at Hauppauge, and it was for all the department heads. It was a presentation of the County Clerk's website. You heard this morning, they told you that you can only do a search by a 19 number tax map number. At the presentation, that was not true. At that same presentation, it was mentioned that you would be able to produce a TRW report. My question to you •• this one question, let me ask this one question. Is this a violation of the Federal Fair Credit Reporting Act, which prohibits consumer reporting agencies from including in a consumer report information that can be obtained from public records. The prohibited public record information includes bankruptcies more than ten years old ••

VICE•CHAIRMAN MYSTAL:

Mr. Haas.

MR. HAAS:

•• suits and judgements more than seven years old ••

VICE•CHAIRMAN MYSTAL:

You are trying my patience.

MR. HAAS:

•• paid tax liens more than seven years old and records of arrest, indictment or convictions more than seven years old. The policy behind the Federal Law ••

VICE•CHAIRMAN MYSTAL:

One, two ••

MR. HAAS:

Was that it was not fair to burden a consumer for life ••

VICE•CHAIRMAN MYSTAL:

Three. Thank you Mr. Haas. I'm going to have to cut you off. Bye. Thank you. We're going to go straight to the agenda.

1069. Adopting a Local Law, a Charter Law to create a consolidated Department of Audit and Financial Management. This resolution has to be tabled for a public hearing. Can I get a motion.

LEG. MONTANO:

Motion.

VICE•CHAIRMAN MYSTAL:

Motion by Mr. Montano, seconded by myself. All in favor? Motion passes.
Tabled. (VOTE:5•0•0•1 • Not present; Legis. D' Amaro).

1070. Adopting a Local Law, a Charter Law to promote honest budgeting and efficient operation of government.

VICE•CHAIRMAN MYSTAL:

Tabled for a public hearing.

LEG. ROMAINE:

Motion to table.

VICE•CHAIRMAN MYSTAL:

I second the motion. All in favor? Opposed? Motion passed. **Tabled.**
(VOTE:5•0•0•1 • Not present; Legis. D' Amaro).

1114. Adopting Local Law to authorize County registry for domestic partners.

VICE•CHAIRMAN MYSTAL:

This has to be tabled for a public hearing. Motion to table by myself, seconded by Legislator Stern. All those in favor? Opposed? **Tabled.** (VOTE:5•0•0•1 • Not present; Legis. D' Amaro).

1144. Adopting Local Law, to encourage and facilitate participation for minority group members and women with respect to Suffolk County contracts.

LEG. MONTANO:

Motion.

VICE•CHAIRMAN MYSTAL:

Motion by Legislator Montano, seconded by Legislator Stern. All those in favor? Opposed? Motion passed. **APPROVED (VOTE:5•0•0•1 • Not present: Legis. D'Amaro)**

M.002. Memorializing Resolution in support of a secure, transparent and economical voting system for New York State.

VICE•CHAIRMAN MYSTAL:

I have been asked by the sponsor of the resolution to table this motion for

more hearings. So I make a motion to table.

LEG. KENNEDY:

Second.

VICE•CHAIRMAN MYSTAL:

Seconded by Legislator Kennedy. All those in favor? Opposed? Motion is **TABLED (VOTE:5•0•0•1 • Not Present: Legis. D'Amaro)**

1151. Authroizing certain technical correction to Resolution No. 973 •2005.

VICE•CHAIRMAN MYSTAL:

Motion to adopt by myself, seconded by Legislator Montano. All in favor? Opposed? **Approved.** Put that on the consistent intend also. **(VOTE:5•0 •0•1 • Not present; Legis. D' Amaro)** Placed on the **Consent Calender.**

1152. Directing evaluation of privatization of Suffolk County Off •Track Betting Corporation by the Legislative Office of Budget Review.

VICE•CHAIRMAN MYSTAL:

Legislator Alden had asked that this be tabled. Motion to table by myself, seconded by Legislator Stern. All in favor? Opposed? **Tabled. (VOTE:5•0•0•1 • Not present; Legis. D' Amaro).**

1162. Authorizing certain technical corrections to Adopted Resolution No. 1401•2005.

VICE•CHAIRMAN MYSTAL:

Motion to approve, seconded by Legislator Stern. Also on the Consent Calender for this motion. All in favor? Opposed? **Approved. (VOTE:5•0•0•1 • Not present; Legis. D' Amaro)** Placed on the **Consent Calender.**

1178. Authorizing conveyance or parcel to the Village of Sag Harbor, Town of Southampton (Section 72•H, General Municipal Law).

VICE•CHAIRMAN MYSTAL:

Motion to adopt. Can this go on the Consent Calender?

P.O. LINDSAY:

No.

VICE•CHAIRMAN MYSTAL:

Motion to adopt, seconded by Legislator Montano. All in favor? Opposed?
Approved. (VOTE:5•0•0•1 • Not present; Legis. D' Amaro).

1182. Authorizing the extension of a lease for premises located at 1149 Old Country Road, Riverhead, NY for use by the Sheriff's Office • Internal Affairs.

VICE•CHAIRMAN MYSTAL:

Motion to approve by myself, seconded by Legislator Montano. All in favor? Opposed? **Approved. (VOTE:5•0•0•1 • Not present; Legis. D' Amaro).**

1187. Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Steven P. Glass, Administrator of the Estate of Ethel Grace.

VICE•CHAIRMAN MYSTAL:

Motion to approve and place on the Consent Calender.

LEG. MONTANO:

I'm going to ask to table this. This has a number of items that goes far back many year, it's a big package. I'd like to table it now and look at it next month unless there's a problem.

VICE•CHAIRMAN MYSTAL:

Anyone problem from Real Estate? Come up front.

VICE•CHAIRMAN MYSTAL:

There's a motion being made to table it pending more perusal and inquiry into it.

MS. ZIELENSKI:

We have the information that you may need, I think.

VICE•CHAIRMAN MYSTAL:

Could give us some explanation, elaboration, background on it. There's a lot of different parcels.

MS. ZIELENSKI:

Thank you. These are a series of properties that were taken by tax deed quite a long time ago, 1980. That was time when the Mennonite Law that we work under now was not enforced. They ultimately were included in a moratorium that was requested that the Real Estate Department not dispose of these properties for a period of time. When that moratorium was lifted somewhere around 2001, they were then investigated for sale as for auction or some other direct sale. At that time it was found that notice that was given was not sufficient for title companies to insure it, and we were unable to dispose of the properties without giving the notice that they require. So

notice was given to the estate to the deceased owner of the property, who responded in a timely manner and filed the necessary paper work to provide for the redemption of the properties.

VICE•CHAIRMAN MYSTAL:

What you are telling us is this property has been taken over by Suffolk County 25 years.

MS. ZIELENSKI:

That's correct.

VICE•CHAIRMAN MYSTAL:

And I'm not sure if a Local Law 16 is the right vehicle to do this. I'm not even sure that this would qualify under 215.

MS. ZIELENSKI:

Well, it is reacting to the date of notice.

VICE•CHAIRMAN MYSTAL:

We are going to table this and look at it a little bit closer, because this is •• Mr. Kennedy, go ahead.

LEG. KENNEDY:

I'd also ask that in doing the balance of the investigation here Real Estate look at the fact that a title company would elect not to insure doesn't •• is not a fatal flaw in our ability to go ahead and convey. We convey quit claim. And so the fact that 20 years ran, to me seems to be far in excess of anything you'll find on the Suffolk County Tax Act or in the Real Property Law as far as our obligation to go ahead and remit back.

MS. ZIELENSKI:

We didn't have signed notice.

LEG. KENNEDY:

We can debate as far as Mennonite as adopted, we're not going to do it now, because we are so far beyond what our time frame is. However, I think what my colleagues, all of us would seriously, seriously look into the fact that a party was able to go ahead and retain an interest based on the fact that they were not necessarily receiving some kinds of notice, that ran two decades. That goes beyond the realm of normal considerations.

MS. ZIELENSKI:

That's true, but the property wasn't looked at during those two decades, because it was under a moratorium.

VICE•CHAIRMAN MYSTAL:

Hold on. I'm running against time right now, so I'm going to take that debate at some other time. At this point right now, I'm going to table this, because we need to look at this a little close. So motion to table.

LEG. KENNEDY:

Second.

VICE•CHAIRMAN MYSTAL:

Seconded by Senator Kennedy •• I mean Legislator Kennedy. Wow. On the motion, all in favor? Opposed? **Tabled. (VOTE:5•0•0•1 • Not present; Legis. D' Amaro).**

1188. Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Daniel W. Scovotti.

VICE•CHAIRMAN MYSTAL:

Motion to as•of•right?

MS. ZIELENSKI:

Pardon me.

VICE•CHAIRMAN MYSTAL:

That's as•of•right?

MS. ZIELENSKI:

Yes.

VICE•CHAIRMAN MYSTAL:

Motion to approve and put on the Consent Calender.

LEG. MONTANO:

Second.

VICE•CHAIRMAN MYSTAL:

All in favor? Opposed? Motion carried. **APPROVED (VOTE:5•0•0•1 • Not present; Legis. D' Amaro)** Placed on the **Consent Calender**.

1189. Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Marcello Cajamarca and Rodolfo Bonilla.

MS. ZIELENSKI:

As•of•right.

VICE•CHAIRMAN MYSTAL:

Motion to approve, seconded by Legislator Montano also on the Consent Calender. All in favor? Opposed? **Approved. (VOTE:5•0•0•1 • Not present; Legis. D' Amaro)** Placed on the **Consent Calender**.

1190. Sale of County•owned real estate pursuant to Local Law 13 •1976 Public Service LLC.

Explanation, please.

MS. ZIELENSKI:

This is a direct sale for property that was appraised at \$11,400 and is being sold for \$12,000.

LEG. MONTANO:

What's the size?

VICE•CHAIRMAN MYSTAL:

What's the size and where is it?

MS. ZIELENSKI:

It's an irregular parcel that's 471 feet by 39 feet by 475 by 25.

VICE•CHAIRMAN MYSTAL:

And we cannot build on that?

MS. ZIELENSKI:

It's a roadway with easements on it, and it's located in Brentwood.

VICE•CHAIRMAN MYSTAL:

Motion to approve by myself, seconded by Legislator Stern. All those in favor? Opposed?

LEG. MONTANO:

Abstention.

VICE•CHAIRMAN MYSTAL:

APPROVED. (VOTE:4•0•1•1 • Abstention; Legis. Montano • Not Present; Legis. D'Amaro)

1191. Sale of County•owned real estate pursuant to Local Law 13 •1976 Catania Family Trust.

VICE•CHAIRMAN MYSTAL:

Explanation.

MS. ZIELENSKI:

This is a direct sale for a very small, 436 square foot, piece of property that was appraised for \$350 and is being sold for \$350.

VICE•CHAIRMAN MYSTAL:

Motion to approve, seconded by Legislator Stern. And to place on the Consent Calender. **Approved. (VOTE:5•0•0•1 • Not present; Legis. D' Amaro)** Placed on the **Consent Calender.**

1194. Amending Resolution 8•2006, to rename a depository.

VICE•CHAIRMAN MYSTAL:

Motion to approve? Abstentions? Carried. **APPROVED. (VOTE:5•0•0•1 • Not present; Legis. D' Amaro).**

1213. Adopting Local Law, a Charter Law to allow for the introduction of Local Laws and Resolutions by all County•wide Elected Officials.

Motion to table by Mr. Romaine, seconded by Mr. Kennedy. All in favor? Opposed? **Tabled. (VOTE:5•0•0•1 • Not present; Legis. D' Amaro).**

1214. Adopting Local Law, a Charter Law to transfer the Division of Cancer Awareness from the Suffolk County Department of Environment and Energy to the Suffolk County Department of Health Services.

VICE•CHAIRMAN MYSTAL:

Motion to table by Mr. Romaine, seconded by Mr. Kennedy. All in favor? Opposed?. **TABLED. (VOTE:5•0•0•1 • Not present; Legis. D' Amaro).**

1216. Establishing an application fee waiver policy for Civil Service Examinations.

LEG. MONTANO:

Motion to approve.

VICE•CHAIRMAN MYSTAL:

Motion by Legislator Montano, seconded by Mr. Stern. All in favor?
Opposed? Motion is **approved. (VOTE:5•0•0•1 • Not present; Legis. D' Amaro).**

VICE•CHAIRMAN MYSTAL:

If you talk we may disapprove it.

MS. CHAYES:

Civil Service has no problem administering this in this format. We just wanted to put on record two things; that the burden of proof would be on the applicant to get the information to us in a timely manner; and also that state collect one half of exam fees for state written exams and they would still collect even with the waived fees. Having said that, again in the format in there, we can administer it.

VICE•CHAIRMAN MYSTAL:

Thank you.

LEG. KENNEDY:

One quick question, Mr. Chair. We've had this issue before us before. Do

you have the estimate of what the cost to the county is going to be for this?

MS. CHAYES:

There is no way to tell until we know how many waivers would come through.

LEG. KENNEDY:

So you've looked at it, but you can't quantify at this point?

MS. CHAYES:

No.

LEG. KENNEDY:

Okay. Okay. Okay.

VICE-CHAIRMAN MYSTAL:

Motion is **approved. (VOTE:5•0•0•1)**

1233. Releasing the County of Suffolk's right of reverter interest in premises to facilitate downtown economic revitalization for

Greenport Village.

LEG. ROMAINE:

Motion.

VICE•CHAIRMAN MYSTAL:

Motion by Legislator Romaine, seconded by myself. All in favor? Opposed?
Approved. (VOTE:5•0•0•1 • Not present; Legis. D' Amaro).

1244. Amending the 2006 Capital Budget and Program and appropriating \$1,000,000 in Assessment Stabilization Reserve Funds to satisfy penalties in connection with the Suffolk County Industrial Pretreatment Program in compliance with a consent judgement.

Motion by myself, seconded by Legislator Kennedy. All in favor? Opposed?
Approved. (VOTE:5•0•0•1 • Not present; Legis. D' Amaro).

1245. Authorizing transfer of trolley vehicle to Joseph A. Kirk Voiture Locale 713, Suffolk County.

LEG. ROMAINE:

Motion.

VICE•CHAIRMAN MYSTAL:

Motion by Legislator Romaine, seconded by myself. Yes? No? Abstention?
Motion carried. **APPROVED. (VOTE:5•0•0•1 • Not present; Legis. D' Amaro).**

Thank you very much for your understanding and your patience. I know we have been long and have a good day.

VICE•CHAIRMAN MYSTAL:

Motion to adjourn.

(* THE MEETING WAS ADJOURNED AT 12:40 P.M.*)

_ _ **DENOTES BEING SPELLED PHONETICALLY**